

3 1761 11968205 2

CA1
Z 1
1988
D021

Government
Publications

COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE

B E F O R E:

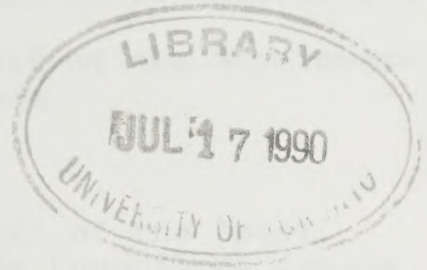
THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON THURSDAY, SEPTEMBER 7, 1989

VOLUME 80

NETWORK COURT REPORTING LTD.

COMMISSION OF INQUIRY INTO THE
USE OF DRUGS AND BANNED PRACTICES
INTENDED TO INCREASE ATHLETIC PERFORMANCE




B E F O R E:

THE HONOURABLE MR. JUSTICE CHARLES LEONARD DUBIN

HEARING HELD AT 1235 BAY STREET,
2nd FLOOR, TORONTO, ONTARIO,
ON THURSDAY, SEPTEMBER 7, 1989

VOLUME 80



Digitized by the Internet Archive
in 2023 with funding from
University of Toronto

<https://archive.org/details/31761119682052>

(i)

C O U N S E L:

R. ARMSTRONG, Q.C. Ms. K. CHOWN	on behalf of the Commission
R. BOURQUE	on behalf of the Canadian Track and Field Association
E. SOJONKY, Q.C. J. DePENCIER	on behalf of the Government of Canada
R. MORROW	on behalf of the Sport Medicine Council of Canada
R. McCREATH	on behalf of the Canadian Olympic Association
E. M. THIROLF	on behalf of the U.S. Department of Justice

(ii)

I N D E X O F W I T N E S S E S

NAME PAGE NO.

RICHARD POUND: Recalled 13614

Examination by Mr. Armstrong 13614

ROGER CHARLES JACKSON: Sworn 13652

Examination by Mr. Armstrong 13652

DENNIS DEGAN: Sworn 13730

Examination by Mr. Armstrong 13730

I N D E X O F E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE NO.
161A	Canadian Olympic Association Policy on Doping and Drug Usage	13672
161B	Document entitled "Procedures with respect to the Hearing of Offences against COA Policy on the Use of Banned Substances and Procedures in Sport"	13682
273	Document entitled "Draft Resolution, The Fight Against Doping in Sport"	13688
274	Single paragraph Resolution of the November 13, 1988 COA Board of Directors' Meeting	13699
275	Four paragraph Resolution from the November 13, 1988 COA Board of Directors' Meeting	13703
276	COA Board of Directors Meeting - April 14, 1989 Minutes	13708

(iv)

I N D E X O F E X H I B I T S

EXHIBIT NO.	DESCRIPTION	PAGE NO.
277	Copy of letter dated May 29, 1985, Jackson to Helmick, U.S. Olympic Committee	13710
278	Document outlining the size of anabolic steroid market in the United States	13785
279	Document showing the seizures of anabolic steroids in the United States	13786

--- Upon commencing.

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Yes, thank you, Mr.

Commissioner. Mr. Richard Pound, who is Vice President of
5 the IOC was here earlier, as you recall, and as promised
he is back to give some further evidence this morning.
And I would ask him to take the stand. He has already
been sworn.

THE COMMISSIONER: Thank you. Mr. Pound.

10

RICHARD W. POUND: Recalled

--- Examination by Mr. Armstrong:

MR. ARMSTRONG: Thank you, Mr.

Commissioner.

15

MR. ARMSTRONG:

Q. Mr. Pound, first of all I would like to
make reference to some evidence that was given on May the
29th, 1989 by Dr. Astaphan, which is found in Volume 53 at
20 page 9297. And I just will read the nub of it, and I am
then going to ask you some questions.

The evidence was first of all on a question
by Mr. Sookram, although on the transcript it is shown as
a question by me, it is by Mr. Sookram.

25

"Q. Now, you told me about a conversation

that you had with Mr. Francis when he returned from the second testing. And that conversation, you told me, took place on the Tuesday morning at the Seoul Hilton?

5 A. Yes."

And just to put that in context, he was referring, of course, to the second testing being the B sample testing at the Seoul lab in Korea last September when Mr. Ben Johnson tested positively. And really the thrust of the question is that he is referring to when Mr. Francis returned after the IOC Medical Commission had met and dealt with the submissions that you had made on behalf of Mr. Johnson.

15 The evidence goes on with this question from Mr. Sookram:

"Q. Would you tell Mr. Commissioner what Mr. Francis said to you then after the second test?

20 A. Yes. He came in and he looked real disturbed. And I said Charlie, he said 'Yup, we lost.' I said 'Didn't they do anything?' He said 'Yes, they tried.' I said 'What do you mean, they couldn't have tried hard enough.' He said 'Yes, Mr. Pound
25 tried and he spoke to Mr. Samaranch who said

that he would have intervened with the results had the results not been leaked from the lab.'"

Then the Commissioner intervenes immediately

5 and says:

"THE COMMISSIONER: Who said this, Mr. Francis?

THE WITNESS: Mr. Francis says he was told this by Mr. Pound.

10 THE COMMISSIONER: That they would have what?

THE WITNESS: They would have -- Mr. Samaranch would have intervened with the results had it not leaked prematurely from the lab.

15 THE COMMISSIONER: Mr. Francis said this or this was somebody else?

THE WITNESS: No, Mr. Francis -- Mr. Pound told this to Mr. Francis.

20 THE COMMISSIONER: That's what Mr. Francis told you?

THE WITNESS: Yes, sir."

25 And there are some further comments later on about the fact that, of course, this was hearsay evidence more than twice removed.

And the Commissioner did intervene and make some comments in that respect.

You, of course, Mr. Pound, phoned me within hours of that evidence having been given by Dr. Astaphan and indicated to me at the time that you wished an opportunity to appear before the Commission and set the record straight.

Unfortunately, because the schedules were such at the time, that was not possible but we now have you here and what --

THE COMMISSIONER: Well, Mr. McCreath already made a statement on this, as you know, which was confirmed by Mr. Pratt speaking on behalf of Mr. Francis.

MR. ARMSTRONG: Yes, that's correct.

THE COMMISSIONER: There was never any suggestion of any impropriety at any time.

MR. ARMSTRONG: That's right. And indeed --

THE COMMISSIONER: It is fourth-hand hearsay and I give no weight to it, but, go ahead. It was fourth-hand hearsay.

THE WITNESS: Well, thank you for the chance to appear again, Mr. Commissioner. I do appreciate it, and I did in fact ask for a chance to do so.

THE COMMISSIONER: I understand.

THE WITNESS: I do appreciate that it is

fourth-hand hearsay, but it was nevertheless very disappointing to the IOC, to President Samaranch, and certainly to myself to have it on the record. And there was a great deal of international news coverage that we followed that arose out of it. So, it certainly was calculated to cause some damage to the IOC.

What I would like to do is just to put on the record, and I appreciate your statements about the weight you give to fourth-hand hearsay, but I do want to make sure that it is part of the record before you that I did not speak to President Samaranch to suggest that he intervene in any way with the tests.

President Samaranch did not indicate to me or to anybody else in any way that he was prepared to intervene in the tests. And I certainly didn't say anything of that nature to Charlie Francis.

You know, the reason we are all here today is because the IOC did act in accordance with its own rules in the case of a positive test. And I think you should be aware that at no time did I or President Samaranch even consider that possibility.

THE COMMISSIONER: Well, that was stated on your behalf by Mr. McCreath in Mr. Pratt's evidence and he apparently had discussed it with Mr. Francis. And Mr. Francis confirmed the fact that there was never any

suggestion of any impropriety at all. I am glad you cleared it up.

THE WITNESS: Well, I have great faith in lawyers, but I would like the chance to say it myself.

5 THE COMMISSIONER: Well, I am glad you did. Thank you very much, Mr. Pound.

THE WITNESS: I am certainly prepared to put on your record, Mr. Commissioner, some of the press coverage that this evidence engendered.

10 THE COMMISSIONER: No, we followed it and we are aware of it. And I am very glad you are here to set the record straight.

THE WITNESS: Thank you. Now that I am here, if there are any additional questions of --

15 MR. ARMSTRONG: Yes. Well, if --

THE WITNESS: -- I am prepared to have you or the counsel in the meantime, I am prepared to do what I can to help.

20 MR. ARMSTRONG:

Q. Well, indeed before this situation arose we had extended an invitation for you to return. We, indeed, did want you to return to at this stage of our hearings and ask you some questions about where we are and
25 where we are going.

First of all, Mr. Pound, let me just ask you to take a moment or two for the benefit of the Commissioner to tell us where the IOC is at the present time with its anti-doping policy?

5 A. All right. We are continuing to do our best to coordinate a major international approach to the whole issue. We have got the international federations to agree on a series of steps that we think are very important.

10 I outlined them briefly to you on my last appearance here; namely, that we will agree on a common list of doping substances and procedures. We will agree on a common list of IOC accredited labs where the tests will be performed. We will agree on a standard set of
15 sanctions that will apply in the case of first and subsequent doping offenses. We will undertake to put in force a random out-of-competition testing procedure.

 THE COMMISSIONER: In what way, though?

 THE WITNESS: Well, we are prepared to
20 allocate the considerable resources that this will take. We think it will be in the millions of dollars per year, but the IOC is prepared to fund that kind of an effort to equip -- well, to acquire, to equip, to staff, and to
25 manage, and travel with a laboratory that can be taken anywhere in the world on short notice.

We think that program could cost anywhere from two million to five or six million dollars a year. And we are concerned with the cost, of course, but we are more concerned with the problem. We are in the process
5 now of --

THE COMMISSIONER: How would that be utilized? What would be -- assuming that you have the equipment, what are you going to do with it?

THE WITNESS: We would be able to travel
10 anywhere with it, and that's part of the international effort that I will try and describe to you, to appear in city X where there may be training facilities and athletes in any country in the world and say "Good morning, we are here, we want to test athletes A, B, and C."

15 THE COMMISSIONER: Would this complementary to what is done by the organizations on their own or by other, or would this be the exclusive random testing program?

20 THE WITNESS: This would be a random testing program coordinated by us. We hope that all of the national Olympic committees and international federations will buy into it as a concept. And we think they will.

Their concern at the moment seems less to be with the concept of random unannounced testing as with
25 their ability to finance the underlying cost. We think

that all federations and all national Olympic committees will agree with this procedure.

THE COMMISSIONER: But what will be left for them to do? Will that relieve them of any responsibility for doping control?

THE WITNESS: Not at all. In all of their championships, and world championships, regional championships, national championships they would still be responsible for the testing at the time. But as we have seen --

THE COMMISSIONER: For random testing as well, out-of-competition testing?

THE WITNESS: They may have their own programs for that. Whether we will have this as an overriding program or this would become the "The International Random Testing".

THE COMMISSIONER: You are not laying down a term of participation, I gather, that no country can or no national federation can compete in the IOC without establishing a full random testing program?

THE WITNESS: We haven't got quite that far. It is a delicate consensus that we try and manage here. We believe that under our leadership each of the international federations will adopt its own out-of-competition testing program and impose that kind of

a program on the national federations.

THE COMMISSIONER: And your facilities would be complementary to that as well?

5 THE WITNESS: Yes. Yes. So, I think that we will find, for example, and it may be influenced by your findings and recommendations, that within Canada itself on a bottom-up approach that the Canadian sport governing bodies and the Canadian National Olympic Committee will urge that this sort of the thing happen in
10 Canada. And that will be in line with what the international organizations will do as well.

THE COMMISSIONER: Go ahead, Mr. Armstrong.

MR. ARMSTRONG:

15 Q. Let me just ask you this as a follow-up question. Appreciating that at the international level of the IOC that you manage a delicate consensus, recognizing that; on the other hand, why can't you say to the IAAF you have an out-of-competition testing program, and you impose
20 an out-of-competition testing program on your member national federations or you don't compete in the Olympics?

A. Let's go back. It is a delicate international consensus that we run. And one of the reasons that the Olympic movement has been able to become
25 stronger over the past decade or so is that we recognize

the areas of autonomy of each of the organizational components of the Olympic movement. So that athletics, which is run by the IAAF, is autonomous within the governments of track and field. They can decide what they want to do and how they want to do it.

We can urge them to work in certain directions. And that has been very effective in the past, but we cannot go to the IAAF and say you must operate in this way.

I suppose in theory it is within our jurisdictional competence to say if you don't have such a program this sport will not be in the Olympic Games. But that's not in our view the best way to achieve the result. It is, you know, this is a battle that's going to be won in the mind not by trying to impose it on somebody. We have got to get all the international federations to agree that this is the right thing to do. I would think that we can do that.

Q. Now, the concept -- let me go back to the sort of grass roots level or the practical level of implementation. The concept of "flying lab", have there been procedures and so on addressed and worked out yet or is it still in the conceptual stage?

A. I think you have to say that the scientific aspects are under pretty good control. We know

what it is that we need and we know roughly how much it will cost.

The real difficulty in making this kind of a program work is not to get the consent of the international federations or the national Olympic committees, it is to overcome access to various countries on a no-notice basis.

There are many countries around the world for which you need visas to enter, and the visa process can take anywhere from two days to two weeks or a month depending upon the country. And one of the areas that we have got to sort out, which we will probably try and do through the UNESCO Conference of Sport Ministers, is to get an international agreement that will allow our people travelling on maybe a special kind of passport or having a perpetual visa that doesn't have to be renewed each time to be able to get into the country.

If you are going to pick a country at random, if you are going to Mexico, and you need -- it takes you a week to get a visa and you have to indicate why you want the visa, and say, "Well, we are coming in to test some of your athletes." A lot of the surprise and no-notice feature of your program goes down the drain because either the athletes may not be available or the ones that you might want to test may not be available.

So, we have got to have a real international
understanding about getting instant access to each
country.

5

10

15

20

25

That's something that can't be solved at the sport level, but we do think that the political authorities are -- understand the problem and would be very cooperative. But that's not in the can yet.

5 Q. Well, is it foreseen, for example, that if the system was in place and you have a situation like we had not too long ago where Evelyn Ashford testified before the Biden Commission where she said, look, she knew two gold medallists on the American Olympic team that took
10 steroids and let's say with a minimum amount of detective work you could identify who those two gold medallists were, or that she was prepared to supply the names to you.

 Is it foreseen that the Flying Lab can fly into wherever in the United States and say, We want to do
15 a random test on those two at least?

 A. That's foreseeable. It seems to me that it's locking the barn door after the horses have gone.

 Q. Well, that's true, but those two at
20 least may well be still competing ---

 THE COMMISSIONER: Well -- or suppose that's right. Suppose she's not talking about past history but current history.

 THE WITNESS: I think, then, that's -- what
25 you want to do is to, is to catch the people ---

THE COMMISSIONER: Carl Lewis, Carl Lewis also gave evidence for the Biden Commission that five to ten gold medallists in the men's track events were won by athletes that used steroids. And Miss Connolly said
5 that's a small number. She said that might apply to the Americans only; if you talk to the whole track and field that's a very low estimate..

THE WITNESS: Sounds like everyone stopped short of asking the final question, which is, Who are
10 they?

THE COMMISSIONER: Well, why wouldn't you do that? Why wouldn't the Olympic Commission do that? Senator Biden didn't do it. Why wouldn't the IOC sort of pick up this type of inquiry?

15 THE WITNESS: Maybe we will. But Biden's got an inquiry going, the Australians ---

THE COMMISSIONER: Well, Senator Biden's inquiry is largely directed, as you know, towards the health aspects of anabolic steroids and tightening the
20 controls in the States because the government of the United States, or the state governments do not fund direct, give direct funding to athletics. There is no Sport America like there is Sport Canada. And what he is doing, and I was down discussing with him, they are
25 amending the laws relating to the control of anabolic

steroids, but they are not concerned about doping control as such because that's not what their mandate is for this hearing.

THE WITNESS: Well, I guess they have to
5 define their own mandate. It's certainly available to them to ask the question.

THE COMMISSIONER: Well, it's not their direct concern because they are not in track and field. They are -- if you read what is going on, what the
10 amendments are of the legislation, they are concerned about the control of anabolic steroids as a drug.

THE WITNESS: Well, how they define their mandate is really up to them. That's a U. S. matter and I don't know what is the background to, to the definition of
15 that mandate.

THE COMMISSIONER: But following that up, though, don't you regard this as a serious reflection on the 1988 Seoul Olympics, that Miss Connolly is one of the leading coaches in the United States, and Mr. Lewis is
20 their sprinter, and why wouldn't some of this be pursued, at least to try to see how it could be avoided in the future?

THE WITNESS: Well, that's certainly our intention, Mr. Commissioner. I think it illustrates the
25 extent of the problem and the serious nature of it. It

would be wrong of anybody to focus solely on the Olympics.

THE COMMISSIONER: I agree with that ---

THE WITNESS: That's not where all this happens.

5 THE COMMISSIONER: But you're here today so that's why we're focusing on you.

THE WITNESS: I'm happy to be here but I just urge you not to have a single focus.

10 THE COMMISSIONER: No, we're not, but we've been told that the Olympics is the premier event of international competition and the focal point of all the athletics leading up to the Olympic.

THE WITNESS: Well, that is certainly true.

15 THE COMMISSIONER: So most people expect the IOC, because of that responsibility of running the Olympics, to make every effort to see that the rules of the game are complied with.

20 THE WITNESS: Well, and we do that and we have done so for at least the last two decades with some success -- I wouldn't say total success -- but I think it's probably fair to say that the IOC is the organization that has done the most in the fight against anti-doping with actions and not just with words.

25 There are lots of brave words out there but there are very few organizations that would ever take the

premier athlete of the games and the premier event of its games and disqualify him for the doping offence that we did. And I think that's why there is a certain amount of support and continued support for the Olympic games as a,
5 as an example of what things ought to be.

They are far from perfect and I'm the first to admit that, but I must say that we're --- we now have an unusual opportunity afforded as a result of the disqualification of Ben Johnson in Seoul and as a result
10 of commissions like yours, and to some degree like Senator Biden's, and in other parts of the world with the attention really focused on drug use in sport for the first time, to, to make some major progress. I think, you know, we're at the stage where people are ready to do
15 something.

THE COMMISSIONER: Mr. Armstrong?

BY MR. ARMSTRONG:

Q. Let me just ask you just to --- I don't
20 know whether you had completed yet the, the answer to the initial question, and that is where we are and where we're going. We had not got past really the commitment of the IOC to continue playing a coordination role, and you mentioned what had been done in that respect with the
25 international federations, you mentioned the, what I call

the Flying Lab.

Are there any other initiatives that we should be aware of at the present time?

5 A. Yes, I think there are, there are several. Apart from the coordination that I've spoken about, we are working as best we can with the public authorities through formal organizations such as the UNESCO Conferences of Ministers of Sport, we work with the European Ministers of Sport in their gatherings, we are
10 --- we co-host, for example, the world anti-doping conferences, the first one was in Ottawa last year and the next one will be in Moscow later this year.

 All of -- the problem with all of this is that it's not going to be solved by any single step, and
15 it's going to take some kind of an ethical commitment -- I mean, this is a battle that's going to be won practically in the mind, but also in the, in the laboratory.

 It's not unlike the approach that President Bush announced a couple of nights ago in fighting drugs in
20 the United States. There has to be that moral commitment to, to win the battle. We have to have better testing, and it's clear that, that the type of testing we've done to date, which is to say at the event, is very good for certain race day drugs; it's really not effective for
25 steroid use and certain of the other practices, so ---

THE COMMISSIONER: When did the IOC first discover that? It's quite apparent, as you said, that testing at least after they compete for anabolic steroids is a pretty ineffective way to detect the use of steroids, as we've seen here time and time again.

THE WITNESS: Yes, and anybody who is adept in the usage of them should be able to be clean by the time of the games.

THE COMMISSIONER: Wasn't that known for some years? Or was the IOC Medical Commission indicating that their tests would detect anabolic steroid use in an effective way?

THE WITNESS: I think that perhaps our Medical Commission may be somewhat guilty of overstating the effectiveness of the test ---

THE COMMISSIONER: I notice the other day that, I read a press report of Prince de Merode in Puerto Rico trotting out this old 2.4 percent, as if that is a meaningful statistic. It's not, Mr. Pound.

THE WITNESS: It may or may not be, depending on how it's used, Mr. Commissioner. The 2.4 percent statistic is, is a record of the total number of positive tests at accredited laboratories during a given year, some of which may be ---

THE COMMISSIONER: I know but we have had,

we have had witnesses here who in 1988 were tested time and time again, who admitted being on steroids and never proved positive. And that's part of his figures. It's misleading, I think, with respect, not intentionally, to
5 portray the fact that, still, that these tests are an effective way of determining the extent of the use of steroids.

THE WITNESS: Yes, I'm not sure that anyone would go so far as to say that they are sufficient to
10 indicate the degree to which steroids are being used.

THE COMMISSIONER: All right.

THE WITNESS: And I'm sure that Prince de Merode would not have attempted to indicate that. He would simply be saying that of all of the tests conducted,
15 under whatever circumstances they may have been, some when it was known that they'd be conducted and some out of competition, this is the statistic ---

THE COMMISSIONER: Well, very few out-of-competition testing in 1988. Very few.

THE WITNESS: I don't know whether we have
20 the numbers available to know how many of those X thousand tests were out-of-competition. Perhaps the Medical Commission does, but I don't have that information.

25 BY MR. ARMSTRONG:

Q. Well, I think the figures are available somewhere and I think the Commissioner is right, in fairness, the only out-of-competition testing that was being done in 1988 was, I think, Scandinavian, with a little bit of British, and I mean, the British programme in 1988 really still isn't off the ground, although they had some kind of programme started as early as 1966.

A. Well, in that case, to the extent that the tests are not out-of-competition, and to the extent that the dates of the tests would be known, then in the case of anabolic steroids, they would be of limited use because anybody who is adept in the drug would know how to be clean by then.

THE COMMISSIONER: Right.

BY MR. ARMSTRONG:

Q. Let me ask you about the IOC Medical Commission's Sub-Commission on Doping and Biochemistry in Sport.

We have had some evidence here that the members of that Sub-Commission are the, some of them at least, are the directors of IOC accredited laboratories and one can think of the lab in Los Angeles where Dr. Catlin is a member of the Sub-Commission; the lab in West Germany, where Professor Donike is the -- he's the

director of the lab in West Germany, and the senior member of that Sub-Commission; Dr. Dugal, the head of the lab in Montreal, is also a prominent member of the Sub-Commission; the Russian delegate to the Sub-Commission, I believe, is also a director of the lab in Moscow.

One of the issues that has arisen here is whether or not that Sub-Commission is in a position of conflict of interest when the directors of laboratories are sitting on the Commission and passing on the accreditation of not only other labs but presumably also their own labs, and has the IOC Executive Committee addressed that particular issue?

A. Yes, it has. We've been following with some interest, as I'm sure you can imagine, the proceedings before this Commission, and when that evidence was led it became a cause of concern. I communicated the, the general nature of the evidence that you've outlined today, Mr. Armstrong, to our executive board in Puerto Rico. As a result of that, we have urged the Medical Commission as a whole to look at the issue of possible conflict and to consider giving -- to give serious consideration to appointing sort of an oversight group that would would be responsible for the accreditation of laboratories, so that you don't have the operators

having a vested interest in who may or may not be accredited, make the accreditation decisions.

And I think that that is an area that is worth looking into, as is the the economics of the testing process.

We were certainly concerned to learn of the differential in pricing that applies here in Canada; that's an issue that I've brought to the attention of the Medical Commission a couple of times in the past, saying, Listen, when you accredit a laboratory, it does to some degree create a kind of a monopoly, and you've got to make sure within your Commission that people in a position that is essentially monopolistic don't take undue advantage of it. Because what we're trying to do is to solve a doping problem, not to, not to support laboratories.

So that is now before the Medical Commission as a whole with the very strong recommendation from the executive board that they look at that issue and report back to us.

Q. Thank you. Then let me ask you about the developments this week. We don't yet have the resolution or motion, whatever it was, that was passed by the IAAF Congress in Barcelona two days ago, but the information appears to be that the IAAF has implemented or is about to implement a policy which will strike records

where an athlete either swears under oath that he or she took steroids, or alternatively, signs a witnessed statement that he or she took steroids, and this policy is to be retroactive for a six year period ---

5 THE COMMISSIONER: No, but the record will be struck only if the athlete admits under oath or signs a statement.

MR. ARMSTRONG: That's right.

10 THE COMMISSIONER: That's how I read the resolution.

BY MR. ARMSTRONG:

15 Q. And it would appear, for example, that you could have the invidious situation where, for example, Ben Johnson denied under oath that he took steroids, yet there was a wealth of evidence, as there was here from independent witnesses, that he took steroids, and had he gone into the witness box, denied that he'd ever taken steroids, refused to sign a statement that he'd ever taken
20 steroids, he'd still have his world record.

What comment, if any, from you as a senior representative and international vice-president of the IOC, can you make in respect to that policy?

25

A. Well, I have not seen the text of the policy either. So, I am -- we are both commenting to some degree on what has been in the press. My understanding, just as a matter of detail, is that the retroactivity feature was reduced to three years --

Q. I see.

A. -- at the end of it all. And let me specify here at least my first comments are as a Vice President of the International Olympic Committee and representing the position that we would take as an organization, I should say that we -- to reiterate, we think that the strength of the Olympic movement is based in large measure upon the respect for the autonomy for each of the constituent parts, and that in a matter like this, the IAAF has the jurisdictional competence to make a decision of the nature that it did. We don't express any opinion on the legal or the formal aspects of it, whether it is legal as a matter of law or whether they have followed their own internal rules, I don't know.

Our President, Juan Antonio Samaranch, was at the IAAF Congress yesterday and advised of the decision. And he made a very special address about the issue stressing that this is their decision to take. He pointed out to them once again that the IOC has been involved in fighting drug use in sport with actions and

not just with words.

He reiterated again something that he has said on other occasions that quite often the athletes are not the most guilty people in doping infractions, but that the most guilty may be the people around them.

He did say that the IOC would not go back to the 1984 or previous games, regardless of what the IAAF may have done in this matter. And I think the choice of three years rather than six maybe significant on the part of the IAAF.

He said that the IOC believes that any new rules, and this is certainly a new rule, should be made prospectively rather than retrospectively.

So, that's a series of pretty special messages from the International Olympic Committee to the IAAF as to what they have done in this case.

I think that if we are going to solve the problem of drug use in sport, everybody involved has to work together on this. And I think everybody has to use every possible means of bringing out the nature and the extent of the problem.

It is a little bit like alcoholism, if you like. You know, until you recognize and admit that there is a problem, it is going to be very hard to mobilize the mental effort required to find a solution.

THE COMMISSIONER: And the financial commitment, too.

THE WITNESS: And the financial commitment. The financial commitment I think --

5 THE COMMISSIONER: Is there anyway.

THE WITNESS: -- we can do that. I mean we are in the --

THE COMMISSIONER: Unless you aware of the extent of it, you wouldn't know what commitment to make.

10 THE WITNESS: Well, that's true. I mean we don't know for sure. Anything -- I mean, I must say personally I am concerned that any step that will have the effect either deliberately or inadvertantly of preventing full disclosure of the nature of the problem, that's not
15 helpful to the solution of it.

So, it has -- the decision by the IAAF can be defended in some respects and criticized in others. But one of the main points, and this is something, Mr. Commissioner, that I hope you will be able to focus on
20 when you come to having to write your report, and that is how do you define "doping". Where is the crossover between normal ethical, medical practice, and doping in sport. And I think we really have to do something. And you may be the one to get the first kick at the cat, is
25 how do you define what doping is, when is drug use

improper.

THE COMMISSIONER: Well, so far the IOC have purported to do it by their list of banned practices and substances. You lay down the rules of the game.

5 THE WITNESS: We haven't laid down the rule and that's part of the problem. We are working on that and you may get there before us.

THE COMMISSIONER: You have a list of banned substances today.

10 THE WITNESS: That's what we have. We have a list. We don't have the ethical framework that indicates why testosterone is bad and something else may be good. Why, you know, the kind of diet that we have in North America compared to somebody who lives in a
15 developing country, I mean our food may be his doping. If an athlete from Central Africa looked at the stuff we are able to eat, the food and vitamins --

THE COMMISSIONER: So far you have laid down the rules. We have all your literature and all your
20 you policy statements and rules. And to date, you have said that if this is detected you are disqualified.

THE WITNESS: That's right.

THE COMMISSIONER: And if you read the detailed list as I read it, in every case there is some
25 reason for it apart from the ethics, a health reason.

THE WITNESS: Yes, we think so.

THE COMMISSIONER: And we know what all the side effects are, and as I understand certainly Sports Canada's policy of prohibiting the use of these drugs is two fold: One, because this is cheating. And secondly, because of health. Both have -- one may put a higher priority on the other, probably health first, but what you are now saying is there have to be reconsideration of your list of substances, I gather. Testosterone and its compounds is prohibited, as you know.

THE WITNESS: That's right. We may come up with the same list, I am not sure, but there is an ethical or a philosophical framework within which those rules should be adopted.

THE COMMISSIONER: Well, the evidence before us I think demonstrates beyond any peradventure that anabolic steroids does enhance one's performance.

THE WITNESS: Yes, I think that's right.

THE COMMISSIONER: And that's cheating because those that aren't using the drugs are at a complete disadvantage. And I would have thought that certainly from the Olympic old ideals that that would be a paramount concern of the executive board to try to put into the Olympic competition fair play.

THE WITNESS: Well, that's the fundamental

basis of the Olympics, as I see it, is fair play.

THE COMMISSIONER: All right.

THE WITNESS: I think the question is it is cheating because anabolic steroids are on the list.

5 THE COMMISSIONER: No, because anabolic steroids are on the list, I assume, because they intend and do improve, enhance performance. And also have a serious side effect for those that are using them.

THE WITNESS: Well --

10 THE COMMISSIONER: That's in your literature. We have it independently of your literature, but that is in your literature.

15 THE WITNESS: But you, for example, Mr. Commissioner, may have to wrestle with the difference between what is the difference between blood doping and high-altitude training for three months.

20 THE COMMISSIONER: Well, I have heard that discussed. It seems to be a central problem within your executive. It is the only place I hear it. But blood doping also can be a very bad health effect on it, there is great dangers of infection and everything else?

THE WITNESS: Well, that may be the basis that you find --

25 THE COMMISSIONER: And also it does obviously, as you know, stimulate the oxygen intake

immediately. And now the argument is you can go to the Himalayas I guess and run up there for a while, for a couple of months and you get the same advantage. That's what you are saying, I think.

5 THE WITNESS: That's right.

THE COMMISSIONER: I think the Himalayas are too tall, maybe Mexico is easier.

10 THE WITNESS: But one is improper and the other is not, yet the same result is achieved. I mean we are wrestling with this issue. I mean we have had definitional problems all through our existence. I mean we have had to try to define amateur and never could. So, we said, well, let's stop trying to define amateur and we will just say you can't be professional. And we couldn't
15 define professional --

THE COMMISSIONER: Now, you are talking eligibility as the test not amateur.

THE WITNESS: That's right. That was the solution to those questions.

20 On this, the issue of doping and what is an unfair advantage, I find that a much more difficult philosophical question. And as I say, we are certainly wrestling with it. I hope you will wrestle with it.

25 THE COMMISSIONER: I hope you don't have any difficulty including anabolic steroids as a system in

your doping control?

THE WITNESS: Well, I think under any view of what doping should be or is or no matter how it is defined, we are likely to have anabolic steroids on the list. That falls on one side of the line. But how to define that line is --

THE COMMISSIONER: Well, blood doping now has been added to the list, you know, of banned practices.

THE WITNESS: Yes.

THE COMMISSIONER: We heard considerable evidence of that from Dr. Gledhill, I guess, was it?

MR. ARMSTRONG: Yes.

THE COMMISSIONER: Dr. Gledhill was instrumental, I think, in doing that. Your query I guess is whether it should be on the banned list because you could --

THE WITNESS: Instinctively I feel it ought to be on the banned list, but if you said why that as opposed to high-altitude training, I guess I would say well, there is probably a risk of infection or something like that, there is a health risk. But if there were medical evidence available that said, listen, if this is properly done under medical supervision, there really is no risk, would we still have it on the list. And I have some difficulty with that.

THE COMMISSIONER: Well, it enhances performance.

THE WITNESS: It certainly does. It certainly does. If you get a one percent increase over an event that lasts for an hour, that's all the lead I would want.

THE COMMISSIONER: Was there much blood doping going on when you were an Olympic athlete yourself, Mr. Pound?

THE WITNESS: Never heard of it, absolutely never heard of it. We had heard rumours in the early sixties that some of the -- just to show you how things have changed -- that some of the American weight people in track and field, the throwers, and shot-putters and discus, and so forth, hammer were using these things called "steroids" which we had never heard of. And they were all big, you know, hefty chaps that none of us as swimmers wanted to look like and really it was never pursued more than that.

And it is really only over time that we have come to understand that that's where it started. It's been developed, it's been perfected. Now there is a policing operation which is effective if somebody messes up at the time of competition, but it is probably not effective otherwise.

I don't even know whether the methodology that we use scientifically is the best. It is the one that is developed, but --

THE COMMISSIONER: We have heard from Dr. Donike and Dr. Dugal. We had a lesson on this, but, anyway, I have interrupted you. Go ahead, Mr. Armstrong.

MR. ARMSTRONG:

Q. Well, just going back to the IAAF policy for a moment and maybe you are not in a position to comment on it any more than you have, but if you take your own experience, that is since the early sixties hearing rumours of what the American athletes had been using in the United States, steroids, those rumours have been going on since the sixties, and some progress has been made, let's be fair, but by and large in some of the countries where these drugs are used, there has been unquestionably a conspiracy of silence.

And this policy of the IAAF, does it simply not further promote the conspiracy of silence, and does it not represent a retrograde step?

A. Well, let me -- I have given you the position that I have to represent as Vice President of the IOC. As an individual, I am very disappointed in the step that they have taken.

I really think this is a problem that has to be brought out and put on the table in all its splendor and addressed as a major problem. And part of that will be to have people who have resorted to steroids and other
5 drugs to come forward and say, yes, you know, we did it, here is why we did it, here is how we did it, here is where we got the stuff, here is who we know was on it, and really make sure that everybody understands the problem.

This step will certainly be a major
10 disincentive to that kind of forthrightness. And on that basis alone I am very disappointed that they have done it.

Q. And perhaps we have covered the future to a large extent in what you have said in describing the current initiatives of the IOC and where you expect it to
15 go, but since this is likely to be the last time you are going to appear here just let me ask you.

Is there anything else that we should be addressing, this Commission should be addressing, as to what steps should be taken in the short term and long
20 term?

A. Well, I think you are going to have to look at this as a long-term problem. I don't think there is a quick fix to drug use in sport because we are going to have to change a lot of attitudes, some of which are
25 positive, positively in favour of doing -- using drugs or

any means whatsoever. Others of which -- other attitudes have been simply to look the other way.

I think there is a difference between a malevolent attitude and an ostrich-type attitude here that we have to recognize. There are some, I think, some international federations are simply unaware of what is going on. That the people at the very top probably have lost touch with what is occurring in the gymnasium.

There are others where I suspect that the intervention is a little more active than we would wish.

I think it would be, and I don't know whether you intend to pursue this, but I think it would be very useful, Mr. Commissioner, for you to have or to call as witnesses some of the senior, very senior people in a number of the international federations that do have a problem.

THE COMMISSIONER: Well, we have been in touch with some. We met the IAAF people in London, four or five of their top people over there. So, we have been in touch with them. We haven't called them all here. I can't call every witness in public. That type of information I can get from discussion with them.

THE WITNESS: I understand that. It just seems to me that there is a difference in the quality of evidence that you might get when somebody is under oath

compared to not being under oath, but it is your Commission, and you have to make those calls. But it seems to me that unless you are satisfied that you know what is going on at the upper levels of a number of these international federations, it is going to be hard for you to make the kind of recommendations that we all hope you are going to make when you have finished the evidentiary portion of this Commission.

But aside from that, I would say we are looking at a period of anywhere from five to ten years before there is a full control of this. I think an international -- a series of international bodies moves unfortunately rather slowly, and we are going to have to accept that as the price of getting the type of concensus that we want to eradicate the improper drug use in sport.

MR. ARMSTRONG: Thank you very much. Those are all the questions I have.

THE COMMISSIONER: Any questions of Mr. Pound? Mr. McCreath?

MR. McCREATH: No.

THE COMMISSIONER: Mr. Bourque.

MR. BOURQUE: No, thank you.

THE COMMISSIONER: Mr. DePencier?

MR. DePENCIER: No, thank you.

THE COMMISSIONER: Thank you very much, Mr.

Pound, for your assistance.

MR. ARMSTRONG: Thank you, Mr. Pound.

THE COMMISSIONER: We will take a short
break now before the next witness. Thanks very much.

5

--- Short recess.

--- Upon resuming.

THE COMMISSIONER: Mr. Armstrong.

10

MR. ARMSTRONG: Thank you, Mr.

Commissioner. The next witness is Dr. Roger Jackson.

THE COMMISSIONER: Thank you.

ROGER CHARLES JACKSON: Sworn.

15

--- EXAMINATION BY MR. ARMSTRONG:

THE COMMISSIONER: Mr. Armstrong.

MR. ARMSTRONG: Thank you, Mr.

Commissioner.

20

MR. ARMSTRONG:

Q. Dr. Jackson, I am going to take a
moment with you to review your Curriculum Vitae. You, I
understand, received your Bachelor of Arts Degree in
Science from the University of Western Ontario in 1963; is
that correct?

25

A. That's right.

Q. And from you did further post-graduate work in science in 1964, then went on to a Masters program in physical education at the University of British Columbia receiving your Masters degree in 1967?

A. Correct.

Q. And in 1970, you received your pH D in physiology from the University of Wisconsin?

A. That's correct.

Q. And further post-doctoral study was done at the University of Copenhagen. And subsequent to all of that, you received an honorary doctorate from the university of New Brunswick; is that correct?

A. That's correct.

Q. In your professional career, you have in the earlier years been employed with Sport Canada, first of all in the period 1971 to 1975 as manager of its High Performance Sport Programs?

A. That's correct.

Q. From '76 to '78 you were the Director of Sport Canada; is that correct?

A. That's correct.

Q. So, that would be the same position that Abby Hoffman holds today?

A. Yes, that's right.

THE COMMISSIONER: Were you Director General or just the Director?

THE WITNESS: No, just a simple title, Director.

5 THE COMMISSIONER: All right.

MR. ARMSTRONG:

Q. Then you left the halls of academe to go out to the University of Calgary in 1978 where you for
10 ten years from '78 to '88 were the Dean of the faculty of physical education at the University of Calgary?

A. That's correct.

Q. And from 1988 to the present you are the Director of the Sport Medicine Center at the
15 University of Calgary?

A. Yes, that's correct.

Q. Then looking at your own athletic background, which is significant, I will just hit the highlights. You were a member of Canada's Olympic team in
20 Toyko 1964, Mexico 1968, and Munich 1972; is that correct?

A. Yes, that's correct.

Q. What was your sport and your event?

A. The events vary. My sport was rowing. And in Toyko I was rowing a pair oar with George
25 Hungerford. In Mexico I rowed single. And in Munich I

rowed a cox four.

Q. In Toyko, indeed in the pair oar event, you were the Olympic champion receiving the gold medal?

A. That's right.

Q. What is the pair oar event?

A. It is a two-man boat where each of the men rows out of one side of the boat. In other words, I rowed out of the righthand side with one oar and George Hungerford rowed out of the other side with the second oar. And it is different -- different from double sculling in that in sculling each of you have two oars. So, it is balanced pair oar event.

Q. All right. Then --

THE COMMISSIONER: You had to make sure one is not stronger than the other, I guess.

THE WITNESS: That's the secret of success

MR. ARMSTRONG:

Q. Then, Dr. Jackson, you have been associated, apart from your own sporting career, with the Olympic movement in various capacities. Again touching on the more recent ones, you became a Vice President of the Canadian Olympic Association in 1979; is that correct?

A. 1980 -- Vice President in '79, that's correct.

Q. Then you became President of the Canadian Olympic Association in 1982?

A. That's correct.

Q. You were you Chairman of the Pan American Games Technical Commission in what year?

A. It's been the last two or three years. I am currently playing that role with the Pan American Games Sports Organization.

Q. All right.

THE COMMISSIONER: I am sorry, I didn't get that, Mr. Armstrong.

MR. ARMSTRONG: Chairman of the Pan American Games Technical Commission.

THE COMMISSIONER: What does that mean?

THE WITNESS: Well, the Technical Commission is responsible for all of the technical details surrounding the establishment of the Pan American Games. Each time a city awarded a games, there are a number of technical issues that are related to the sports, the events, the rules under which the competitions are conducted and so on. And so the Pan American Sports Organization has a Technical Commission to assist in clarifying any disputes.

THE COMMISSIONER: Thank you.

BY MR. ARMSTRONG:

Q. And then finally, Dr. Jackson, you are an officer of the Order of Canada, having received that distinction in 1983?

5 A. That's right.

Q. Then let's turn for a few minutes to---

THE COMMISSIONER: You're the current chairman still, are you, Doctor?

THE WITNESS: Yes, I am.

10

BY MR. ARMSTRONG:

Q. Let's then turn to the Canadian Olympic Association, and I want to ask you some questions that I don't believe have yet been asked of other witnesses from your organization.

15

First of all, I want to ask about funding. We have heard that the Olympic movement, and indeed, many of the sporting organizations operate on what is known as an Olympic quadrennial, and I understand your funding programme operates on a four-year programme basis, is that correct?

20

A. Yes, essentially because one of our main programme areas are the game missions, which happen only once every four years for the Pan American Games or the Olympic Winter Games, or the Olympic Summer Games, we

25

attempt to budget over a four-year period not only in support of recognition of those programmes that happen once every four years but we have other annual programmes as well.

5

THE COMMISSIONER: That's the Pan Am Games ---

THE WITNESS: Pan Am Games, Winter Olympic Games and the Summer Olympic Games.

THE COMMISSIONER: Those are the three events ---

10

THE WITNESS: That's right.

THE COMMISSIONER: --- three meets ---

THE WITNESS: That's right.

THE COMMISSIONER: --- that you're concerned with.

15

BY MR. ARMSTRONG:

Q. And can you tell us what the total budget was of the Canadian Olympic Association for the quadrennial just finished in 1988?

20

A. It was approximately 17 million dollars.

Q. Now, what is the budget for the current quadrennial, the one that presumably started -- when does it start, January 1, '89?

25

A. That's right, our fiscal year is starting January 1st. It will almost double. It's probably going to be in the range of 30 to 32 million dollars.

5 Q. And let's take a moment, if you will, and tell us what the funding sources are that would make up that 30 to 32 million dollars?

A. Well, we have some of the interest earned on an endowment fund, which was established
10 following the Calgary Olympic Winter Games, is being given as grants to our national sport governing bodies and this is the first time that has occurred. And we have agreed to provide up to 12 million dollars to those groups.

THE COMMISSIONER: I think Mr. Armstrong
15 wants to know the source of your funds.

THE WITNESS: Well, the source of the funds is the 12 million dollars from half the interest earned on the endowment fund that we established.

THE COMMISSIONER: Right.

20 THE WITNESS: The second amount is somewhere between two to three million dollars which would represent the normal grant we would get from the federal government for our Association, and at this point in time we have not got clear indication as to exactly what that
25 amount will be. So that 12 plus two or three million is

about 15 million dollars which is half of the resources we generate.

And the other half of the money comes from corporate and public donations, from marketing, sponsorship, licensing programmes ---

THE COMMISSIONER: Would you get any money from the IOC?

THE WITNESS: No, we do not. In fact, to be perfectly accurate, we get a very small amount of money, just a few thousand dollars, to run some Olympic solidarity programmes, which all international committees are eligible for, but it represents a very, very tiny ---

HIS LORDSHIP: But when we have the Calgary Olympics Winter Games, you're not at all funded by the IOC?

THE WITNESS: No, it's actually the reverse. The Calgary Olympic Winter Games provides the IOC with at least a hundred million dollars, a little bit more than that. So in fact we provide ---

HIS LORDSHIP: What would have been your share of that?

THE WITNESS: Our share of that was 53 million dollars, which over the year that we had retained it with interest earned came closer to 60 million dollars is what we ---

THE COMMISSIONER: And that's the fund
you're talking about ---

THE WITNESS: That's the fund ---

THE COMMISSIONER: --- which you ---

5 THE WITNESS: --- that's right.

THE COMMISSIONER: All right.

THE WITNESS: So the remaining 15 million
dollars essentially comes from licensing sponsorships,
other marketing tools and a small lottery that, that we
10 run.

BY MR. ARMSTRONG:

Q. And ---

A. And interest earned on some of our
15 investments as well.

Q. And indeed there is an Olympic lottery
in only one province, that being Ontario?

A. That's right.

Q. Then going to the endowment fund
20 comprising the moneys received from the Calgary Games,
that is the 60 million dollars, did that 60 million
dollars simply remain intact, earning interest and it is
the interest that is distributed?

A. That's correct.

25 Q. And how much of -- you presumably earn

about 6 million dollars a year in interest, if you take ten percent?

A. That's right.

Q. Now, what is done with the 6 million dollars per year?

A. Well, we re-invest half of that, about four or five percent of the interest back into the principal amount to try to keep it current with inflation. And the other half of the interest earned is the amount that we provide to our sport governing bodies, so they would receive approximately 3 million dollars a year for four years, which totals the 12-million-dollar amount that I mentioned.

Q. And there presumably is some formula or some negotiation that goes on among the various national sport governing bodies as to how much each of them get, is that it?

A. The formula is a wee bit complicated, but it was developed with the support of our 35 member sport organizations, and received approval by them at our annual meeting this spring as to the distribution or how the formula would work.

And very simply, there are amounts awarded, depending on the participation of these individuals in Pan American Games, Winter Olympic Games, Summer Olympic Games

and certain other criteria that we've all agreed on, that would allow us to determine exactly the amounts of money that are owed.

5 Q. Then you, you mentioned the, the three games missions, is I think the terminology you used, the Pan American Games and then the Summer and Winter Olympic Games. In a quadrennial such as the one that we are in, how much of your budget goes into those three games?

10 A. This past quadrennial it was about half of the 17 million dollars, about 8 or 9 million dollars that allowed us to participate in the last three games, two Olympic games and the Pan American Games. This next quadrennial that budget will probably increase to about 12 million dollars of the 30 million dollars amount.

15 Q. Then apart from the three games missions that the Olympics, the Canadian Olympic Association is involved in, you have a number of other programmes that you run that I wanted to take a moment to review with you.

20 First, you've mentioned one of them, and that is the financial grants to the NSO's. Then there is something called a Junior Olympics you sponsored. Can you take a moment and tell us what that is?

25 A. Well, for almost 11 years now we have worked with a corporate sponsor, and now on our own, in

developing types of programmes that would reach to school-age children in Canada.

The programmes initiated themselves with a series of clinics that were held by our member sport federations in communities across Canada, for example, local gymnastics tournament in some community that was interested in organizing such an event. And we would provide some Olympic literature and ribbons and other items that would be sort of encouragement to the youngsters in those communities.

We've expanded that programme as a result of the Calgary Olympic Games and the educational programmes we established during the period of the Calgary Games and now we are distributing educational materials into 13,000 public schools in Canada. We have had two major programme efforts, one just prior to the Calgary Winter Games, and the other just prior to the Seoul, Korea Summer Games, and that programme has been extended to give consideration to other cultural and promotional projects such as Olympic posters, providing history of the Olympic movement in Canada; we are creating some fair play materials now that are of a timely nature to get to be distributed in these schools and so on.

Q. Now, you mentioned a moment ago that the Junior Olympics programme was something that was run

with a corporate sponsor and is now run alone by the Canadian Olympic Association. Is that a matter of choice, that you now run it alone, or is this corporate sponsorship not available?

5 A. Well, the corporate sponsor was an extremely good corporate sponsor for a very long period of time and they wished to direct some of their resources to other programmes of the Canadian Olympic Association so they have redirected some of their attention, retaining
10 their interest in the Canadian Olympic movement, and continuing to support our Canadian Olympic academies and other activities.

 And we have decided the Canadian Junior Olympic programme is important enough to carry on with our
15 own resources at this particular point in time and we would like to find additional corporate sponsors to assist us in the future to carry on the activities.

 Q. Then there is something, Dr. Jackson, called the Olympic Academy of Canada?

20 A. We have each year a one-week camp, if you will, where we invite young Canadians from across Canada to apply to come to the Olympic Academy and discuss -- usually with lots of forums and opportunities to get at some real issues -- what the real issues are
25 associated with the Olympic movement, what are the

controversies, what are the pressures and tensions, what are the benefits, why is there an Olympic philosophy, those types of questions.

We choose 50 of the applicants, finance
5 their way to come to the Academy and ---

Q. Where is that ---

A. Well, it's held in different locations
in Canada in order to encourage local interests in the
Olympic movement and a lot of the organization and some of
10 the principal lecturers come locally, whether it's in
British Columbia or Toronto or wherever it happens to be.

So that's our version of a national academy
and it's really to provide more information to prominent
young people who are interested in the Olympic movement.

15 And that leads us into the other programme,
which is the International Olympic Academy and each year
we send five Canadians to the IOC-directed International
Olympic Academy in Olympia in Greece, and those five
individuals usually are five from a previous Canadian
20 Olympic Academy who have distinguished themselves and have
applied for the opportunity to go.

Q. Now, the Olympic Academy of Canada, are
these young athletes, or are they young professionals,
young businessmen who are going to eventually support the
25 Olympic movement? I'm just not clear who are ---

A. They could be anybody. I mean, the individuals like Steve Podborski or Ken Read or Sylvia Bernier or other prominent athletes who have shown a continuing interest in the Olympic movement have applied successfully to go to the Academy and have contributed to it.

But there are a lot of people who are school teachers or track and field coaches or other people very interested in the Olympic movement and would like to have the opportunity to learn more about it and debate some of the key issues. And we try to provide senior resources in the presence of our IOC members or the president of the National Olympic Committee or many people associated with corporate fund raising or any other topic that we think is appropriate, to these forums to allow these young people to have an opportunity to question them and review -- I use the word 'young', but we certainly -- the majority of them are younger people in their twenties, but we certainly do have the opportunity now for people who are older than that to participate as well.

Q. And the topics that are discussed, do they tend to be one topic or do they cover the whole range?

A. No, they talk about the whole range. We talk about the structure of sport in Canada, we talk

about issues relating to the Olympic movement such as women in sport, such as the doping issues, such as commercialization of sport, such as the problems faced with organizers of Olympic Games, any of the issues that we think are of real interest to the people, politics in sport, those things.

Q. All right. Then another one of your programmes is the Amateur Sports Hall of Fame located at Calgary and I assume that the name of that institution and that programme really describes it, that it's an amateur Sports Hall of Fame. Do you have to be a Olympian to be nominated to that Hall of Fame?

A. We actually have sort of two Hall of Fame programmes, one of which is the Amateur Hall of Fame programme which allows us to recognize Canadians each year at our annual banquet, to, to recognize their contributions to sport over the years.

The other is the Calgary Winter Sports Hall of Fame, which was a project of the Calgary Olympic Winter Games organizing committee, and subsequent to their demise, taken over by the Calgary Olympic Development Association which is responsible for, for administering and financing a lot of the Olympic facilities in the Calgary area.

And we were invited to be partners with them

to make this museum more of an Olympic museum. And so we make a financial contribution to the support, the administrative support of that Olympic Hall of Fame each year.

5 Q. All right. Then you have two Olympic Athlete Career Centres, one located at Toronto, the other in Calgary. Can you just tell us briefly what their activities comprise?

10 A. Well, we have a, an Athletes Advisory Board in the Association which has on it a representative of each of our member sport federations, and about three or four years ago one of their absolute priorities for programming for the Canadian Olympic Association was to create an opportunity for athletes who were having
15 difficulty with career counselling or having difficulty in finding job placement or concerned about their future after their competitive life, to have some services available to them.

20 The athletes themselves created the programme and currently Sue Holloway, one of our prominent winter Olympic athletes, is the coordinator and manager of the programme. And in essence there are two essential types of services they provide.

25 One is career counselling where they use expertise of professional counsellors to work with

national teams or with individuals. These people are located in two locations, as you have suggested, but in fact the personnel move about to training camps, wherever training camps occur and whenever the invitation is extended to them to do so. So they could go to a training camp in Peterborough or some other location to provide this counselling.

They help athletes prepare curriculum vitae, they help organize themselves to have job interviews, and on occasion they intervene and try to find work and employment opportunities for these athletes, either during the period of time when they are competing still or immediately after they finish their career.

Q. And then you have the responsibility for administering an archives at Olympic House in Montreal, and is your head office Montreal or is it Ottawa?

A. Our head office is in Montreal. We do have an Olympic library and archives there, which is an active library, we're constantly developing it, and we have a second office at the National Sport Centre in Ottawa, a third office with the Olympic Trust of Canada which is our fund-raising partner here in Toronto, and a small office where I reside as president.

Q. What would be the approximate size of your administrative managerial staff?

A. I am -- I would say the two offices, Montreal and Ottawa, probably have between them about 22, 23, 24 employees, secretarial support. The Olympic Trust I think is about 6 to 8 people, if I'm correct, and in
5 Calgary I have half a secretary who is ---

THE COMMISSIONER: Is the Olympic Trust an arm of the COA ---

THE WITNESS: It's an independent organization with its own, own executive committee. It
10 has a list of governors which are the corporate leaders in Canada that have shown an interest in participating, and we have a formal agreement between our two organizations; whereupon we have asked them to undertake the full responsibility of fund raising for our organization.

15 THE COMMISSIONER: I see. Thank you.

BY MR. ARMSTRONG:

Q. Then I take it that all of these various programmes and the administration of the COA that
20 we've covered, they would take up approximately the other 50 percent of your budget?

A. Yes.

Q. Then I wanted to turn to the subject of doping policy.

25 Mr. Commissioner, we had filed during the

course of Ms. Letheren's evidence Exhibit 161, which is the current COA doping policy. I think from the point of view of accuracy and completeness from a historical point of view, I should also have filed at that time, but I'll
5 do it now, the first formulation of the Canadian Olympic Association Policy on Doping and Drug Usage which is dated April of 1984, and if I could just file that with you now.

THE REGISTRAR: This will be 273,
Commissioner.

10 THE COMMISSIONER: Why don't we make it 161A and then we can put it together with this one. Thank you.

15 --- EXHIBIT NO. 161A: Canadian Olympic Association Policy on Doping and Drug Usage.

THE COMMISSIONER: What date is this document, Mr. Armstrong?

20 MR. ARMSTRONG: April 1984.

THE COMMISSIONER: April, 1984. Thank you.

BY MR. ARMSTRONG:

25 Q. I'm not going to dwell on this particular policy, Dr. Jackson, but one can't help but

note the date of April 1984, which leads me to the question was this policy prompted by the events of the Pan American Games in Caracas in August of 1983?

5 A. That is correct. That was the first experience we had as an Association with athletes testing positive at an event under our direction.

 Q. And then I'm going to --- do you have in front of you the April 1987 policy?

 A. Yes, I do.

10 Q. All right. I'm going to ask you some questions about that.

 And you have that, Mr. Commissionerer ---

 THE COMMISSIONER: Yes, that's Exhibit 161.

 MR. ARMSTRONG: Thank you.

15 THE COMMISSIONER: That was what, April 1987?

 THE WITNESS: That's right.

 THE COMMISSIONER: Thank you.

20 BY MR. ARMSTRONG:

 Q. Now then, again I'm not going to take the time to read this line for line, but there are some particular questions that I have. First of all, Dr. Jackson, looking under the subject heading or title heading, Policy, paragraph 3, it says,

25

5 "The COA shall respect all sanctions
imposed through the IOC and appropriate
international and national federations, but
reserves the right to impose greater
sanctions insofar as sport competitions
falling under COA jurisdiction are
concerned. Any person found guilty of a
doping offence within the scope of this
policy, regardless of the disposition rate
10 and in respect of such offence by other
competent authorities, may be declared
ineligible to participate as a Canadian in
any capacity whatsoever in competitions as
above defined, such suspension depending on
15 the circumstances may be for life or for
such shorter periods as the COA may
determine".

20 Now, let's just take a moment to look at
that statement in regard to sanctions. If, for example, a
Canadian athlete produces a positive at the time for
steroids we know that -- and let's say he's a track and
field athlete -- we know that the penalty imposed by the
IAAF and the CTFA is -- and I always get this wrong --
25 it's either two years or a lifetime suspension with a

right to apply to have it lifted within two years. And I think --- I think I'm right in thinking it's two years.

And what does the COA --- where do the COA sanctions or the COA policy, where does it come into play in that situation that I've just outlined, that is, a track and field athlete sanctioned by the IAAF and CFTA for a first offence of anabolic steroids, two years?

A. Our policy has been based on our desire to make sure our member sport federations are taking this doping issue seriously. And that's why we have reserved the right within our policy to provide additional penalties to those that might already be imposed on a particular athlete by some other organization ---

THE COMMISSIONER: But it would only mean that that person was not eligible to be on the Olympic team?

THE WITNESS: That's exactly right. The only teeth we have on our policy is to not permit the individual to participate in one of the three Games that we have the sole jurisdiction to select athletes for.

And in our policy, we've indicated that it applies to anyone who has tested positively, in particular anyone who could be in the future nominated to a future Olympic team. In essence we're looking at a scope of athletes that are what we call the carded athletes which

are the 900 or so athletes that are identified by our member sport federations as their training group, and you appreciate that our summer Olympic team is about 450 athletes that we select and the winter team is about a hundred athletes that we select, so we're dealing with a pool of about 900 that are probably going to fall within the, this particular policy.

Q. All right. Now, have you had occasion to implement the policy?

A. Yes, we have. The two weightlifters that we talked about in 1983, those infractions occurred before we had a policy so we could not respond to that.

There were two other weightlifters in 1984 just prior to their arrival in Los Angeles to become members of the Canadian Olympic team who tested positively, and at that time we banned those individuals from participating in Los Angeles, but because our first policy was only implemented in April of 1984 we were still unsure as to whether or not those individuals fully understand our policy, and as a result we didn't impose any further penalties on them beyond the fact of removing them from participating in 1984.

Subsequent to that, there have been 13 positive tests in between the Olympic Games period where we have reviewed cases as a result of the fact that these

athletes could be eligible for participation in the 1988 Olympic team, and in 13 of those cases, nine of which we imposed the penalty of not participating in the next Pam Am or Olympic teams, which would be the 1987 Pam Am team and the 1988 Olympic summer team; in two cases the athletes were either suspended for life or didn't wish to continue participation, and then in the remaining two cases the actions against the athletes, the athletes resolved their own doping issues before it was our turn to review penalties imposed and as a result of their removing themselves from the prospect of penalties with their own national sport governing bodies, we didn't feel we should impose any further penalties.

Q. I'm not sure I understand what you mean by that ---

THE COMMISSIONER: They withdrew from the sport?

THE WITNESS: I didn't say it very clearly. There were two individuals who on technical reasons the positive doping situation against them was not carried further as a result of technical concerns associated with the handling of the samples, and as a result those individuals were not given sanctions by their, or penalties by their own sport governing bodies as a result of the technical ---

THE COMMISSIONER: And you left it at that?

THE WITNESS: Yes, we didn't feel we had the right to impose additional penalties in that situation.

5

BY MR. ARMSTRONG:

Q. Now, in all the other cases have you imposed additional penalties?

A. In nine of the 13 we did, as I explained. And there are six, the last cases we have to deal with are six outstanding cases now. We had four weightlifters prior to the Seoul, Korea team that tested positive and we did not allow those athletes to participate in the games.

We had the Ben Johnson case which we have not yet had a review of, and there has been one additional athlete that I'm aware of now, a track and field sprinter ---

THE COMMISSIONER: That's Julie Rocheleau?

THE WITNESS: That's right. Who tested positive, and we have not reviewed her case.

BY MR. ARMSTRONG:

Q. Now, looking at paragraph 5 of your policy under the heading, Policy,

"Where any person becomes the subject of possible sanctions imposed by COA action under the provisions of this policy, the COA shall afford such person the right to be heard as to what sanctions should be imposed."

Now, do I understand that in each of these cases that you referred to that have been reviewed, they have been reviewed at a hearing of some kind of committee?

A. That is correct.

Q. And how is the committee made up?

A. The committee is comprised with Dick Pound as chairman and Pam Golish and John Miles have been participating members of it; Pam Golish has been the chairman of our Athletes Advisory Council, John Miles is a member of our board of directors -- or was until recently a member of our board of directors of the Canadian Olympic Association.

They have been assisted by our general manager, Lee Crowell at these hearings and have had an observer in Ole Sorensen from Sport Canada.

And what we have done, before we have imposed any further penalties on these individuals, is to ask if they would like to come before a hearing and discuss the details surrounding their use of these

substances. This is not a hearing to discuss the accuracy of the testing procedures because that has already been determined.

5 What we have wanted to do is before we make any decision as to whether any further penalties should be imposed, we asked them to come in front of us and have a hearing if they wish, and they can be represented by counsel, or they can bring a coach or any other individual they wish to bring.

10 And we do this -- I think I have submitted to you a list of procedures this morning that outlines the conduct of our hearing process. In effect we give them quite considerable advance notice -- have the committee hearings to hear what they have to say, then a
15 recommendation is made by the Review Committee to the Executive Committee of the Canadian Olympic Association, and the Executive Committee takes the final decision as to whether there should be further penalties imposed or not ---

20 THE COMMISSIONER: But I notice that you don't have any independent doping control programmes, is that right? This policy does not contemplate the establishment of an independent COA doping control programme?

25

THE WITNESS: That's right. We have always subscribed up to this point in time that the doping control program in Canada is financed and directed by the Federal Government with the co-operation of the Sport
5 Medicine Council, and with the cooperation of each of the individual sport federations in Canada.

THE COMMISSIONER: Right.

THE WITNESS: We have not seen that we need to play a particular role in interfering with that at this
10 point.

MR. ARMSTRONG:

Q. All right.

THE COMMISSIONER: Or monitoring it; you
15 just accept what is being done by the sport federation?

THE WITNESS: I think we are all monitoring it now very actively and hopefully there will be recommendations in the future that will help us assisting in what particular roles we should be playing if we are
20 not playing the correct roles now.

MR. ARMSTRONG: All right. Then it might just be useful at this juncture just to file, Mr. Commissioner, as an exhibit a document that Dr. Jackson referred to entitled "Procedures with respect to the
25 Hearing of Offenses against COA Policy on Use of Banned

Substances and Procedures in Sport."

THE COMMISSIONER: Call it 161B, it will
all be together.

THE REGISTRAR: 161B.

5
--- EXHIBIT NO. 161: Document entitled "Procedures
with respect to the Hearing
of Offences against COA
Policy on the Use of
10 Banned Substances
and Procedures in Sport"

15 MR. ARMSTRONG: All right. Then indeed I
think as you have indicated if one reads the Procedure in
Exhibit 161 it is clear that the kind of hearing that you
hold really addresses only the issue of sanctions, that is
what additional sanction will be imposed on the athlete --

20 THE COMMISSIONER: If any.

MR. ARMSTRONG:

Q. -- apart from whatever may have been
imposed on him or her by his international or national
federation?

25 A. That is correct.

Q. And I notice that in paragraph 6 it says that:

"If, during the course of any hearing contemplated herein, or by any other means, evidence is presented to the COA indicating the involvement of other persons in the commission of an offense, whether by counselling the use of prohibited substances or procedures, permitting such use or willfully ignoring such use, the COA shall be entitled to initiate an inquiry into such circumstances. Any person whose conduct in this regard is the subject of such an inquiry shall have the right to be heard."

So, I take it that paragraph 6 contemplates looking beyond the particular athlete to his coach, his physician, or whatever other support people he may have who might become involved in his or her use of a banned substance or a banned practice?

A. That's correct.

THE COMMISSIONER: I see that was added; it was not in the 1984 policy. Am I right?

THE WITNESS: I think it was. It may have been in a different place.

THE COMMISSIONER: Well, it doesn't matter.

I don't see it, but nothing turns on it.

THE WITNESS: Yes, it is under point 6 as well. I am sorry, I am looking at the wrong one.

THE COMMISSIONER: Point 6 I don't see in
5 your '84 policy.

THE WITNESS: No.

THE COMMISSIONER: But I have only read it very quickly.

MR. ARMSTRONG: I think you are right, Mr.
10 Commissioner.

THE WITNESS: You may be correct.

THE COMMISSIONER: Thank you. It is about time.

MR. ARMSTRONG: The second time.

15 THE WITNESS: Actually it was within the scope of the earlier policy under the second paragraph of the scope. It says:

"As a corollary, it extends to all persons connected with such teams or athletes including medical and paramedical -- "

20 THE COMMISSIONER: Yes, I think I am still right.

THE WITNESS: Yes, I won't argue.

THE COMMISSIONER: Thank you.

25

MR. ARMSTRONG:

Q. All right. Then I take it that the Canadian Olympic Association was a participant in the Ottawa conference in June of 1988, was it?

5 A. Yes, we were.

Q. It goes without saying I assume that the Canadian Olympic Association supports the charter that emerged from the Ottawa conference?

10 A. We absolutely do. It is a very important document. And we have, subsequent to that Ottawa conference, worked internationally to expose the results of that conference to other national Olympic committees, and we are continuing --

15 THE COMMISSIONER: Has the IOC any supervisory power over the COA or are they completely indifferent?

THE WITNESS: Well, the Canadian Olympic Association is beholden to the IOC charter. And as a result --

20 THE COMMISSIONER: Yes.

THE WITNESS: -- our activities must respond essentially to the rules and regulations of the charter.

25 The IOC in this matter of doping has not been directing us in any specific way to act. In fact, they have been very open with what they are doing with us

and keeping us well informed as to developments within their own policy, but it is really our responsibility to develop our national policies as it is with each of the 167 national Olympic committees.

5 And that is one of the challenges now in front of all national Olympic committees is to bring our policies to some degree in harmony with those that are being advocated internationally through both the IOC and the international federations.

10 THE COMMISSIONER: They can't come in and sort of penalize the COA for not doing something or doing something that they shouldn't have?

 What I am referring to, and there is a lot of criticism of the USOC's 1983 testing.

15 THE WITNESS: Yes.

 THE COMMISSIONER: And I meant to ask Mr. Pound that, but I don't see or have heard of any action by the IOC with respect to that particular program. It was one that shocked Ms. Connolly, I notice, when she was
20 telling us about it in her evidence.

 THE WITNESS: Yes.

 MR. ARMSTRONG:

 Q. Indeed, we are going to come to that in
25 a few minutes because the Canadian Olympic Association

indeed took some action in respect of that program. In fact, we can come to it --

THE COMMISSIONER: No, no, I have taken you out of order, go ahead. Thank you.

5

MR. ARMSTRONG:

Q. All right. I have got myself a little bit out of order, and you were talking about the action that the Canadian Olympic Association has itself taken internationally in an effort to gain the support of other national Olympic committees in respect of the doping control charter. And perhaps this might be a useful place for you just to tell us about the efforts of the Canadian Olympic Association at a meeting that was held in Vienna, I believe last December, was it?

10

15

A. Yes, that's correct. Every two years the 167 national Olympic committees get together to discuss a series of issues facing them.

One of the issues was doping in sport. And as a result of the Ottawa conference in June of 1988, and the results that came from that, there was two other international conferences in the fall of 1988 leading on to this December meeting in Vienna. And I drafted a resolution which was presented before the Congress concerning the fight against this, it is called "The Fight

20

25

Against Doping In Sport". And the resolution was --

Q. Maybe I will interrupt you, Dr. Jackson, just to take a moment and we will file the resolution as the next exhibit.

5 THE COMMISSIONER: What number, please.

THE REGISTRAR: This is a new exhibit?

MR. ARMSTRONG: Yes.

THE REGISTRAR: It will be 273.

10 THE COMMISSIONER: You have only got two more to go, Mr. Armstrong.

MR. ARMSTRONG: I apply for leave to extend the number to you 1,000.

THE COMMISSIONER: No, you won't.

15 --- EXHIBIT NO. 273: Document entitled "Draft Resolution, The Fight Against Doping in Sport"

MR. ARMSTRONG:

20 Q. Sorry, Dr. Jackson, I interrupted you, you were going to tell us about this resolution.

A. Well, in essence, you have it in front of you, some of the comments that are contained within it are still very appropriate as of today, a year later.

25 In essence, we were calling for the support

of unannounced out-of-competition testing in addition to in-competition testing to create under the direction of the International Olympic Committee an international commission to conduct anti-doping programs. This was the co-ordination that we believed was required for them to increase their efforts beyond the anti-doping efforts at the time of the games to assisting many of the national Olympics committees in the world who do not have the resources or the ability or the laboratories in close proximity to assist them in developing their own programs.

Thirdly was to standardize the procedures, the administration, and the sanctions of anti-doping programs. And we recognized that all of this requires a lot of discussion with all the various international federations and national Olympics committees in the IOC.

Fourth was to study some of the reasons why athletes use doping substances to begin to get at the root of some of the incentives that they feel to have to use these substances.

Fifthly was to prevent the trafficking of banned substances where that would be appropriate.

And sixthly was to develop an educational campaign in this matter. All of us have talked about education and many of us have been concerned about whether or not educational programs themselves will really be that

effective. And we believe that we need to have some very solid discussion on this and perhaps an education program that is common to national Olympic committees as well as the IOC and that instead of trying to duplicate ourselves 167 times around the world and perhaps duplicate what the IOC itself might do that we try to coordinate ourselves to come to grips with this element of an anti-doping program.

Q. All right.

A. I think most of those are still valid today.

Q. All right. When you set out in the resolution to study the reasons why athletes use doping substances, for example, I mean do you see the International Olympic Committee as providing the funding or the resources to do some research in that area? What is the foreseen mode of implementation of that particular policy?

A. I think this hearing itself and the testimony of many of the athletes to this hearing have given some very good evidence of the types of pressures that they face, whether it is pressure to make a team, whether it is pressure to earn financial revenue, whether it is pressure to receive public acclaim for their performances. There are a number of other reasons why they have been stimulated to use these substances in order

to get some advantage.

And until this hearing occurred, it was somewhat difficult to hear it directly from athletes of why they were using a substance because most of them weren't saying that they were using the substances.

I think those reasons should be collected and we should begin to then assess in Canada, for example, first of all, but even internationally the importance of winning and try to put our goals in our sport programs in this country in clear perspective as to exactly what our goals and objectives are of our international programs in particular, knowing that it is not only athletes striving for some international event that are using these substances, it is a problem with other elements of the sport system in Canada that don't relate to the Olympic movement.

Q. Just this is -- I am going to pick up a thought that really comes from part of the answer you have just given, which doesn't relate precisely to this document, but where does the Canadian Olympic Association fit in in terms of goals and objectives from the competitive point of view?

Is one of its goals, to put it bluntly, to win as many gold medals or win as many medals as it can or how does it define itself in that respect?

A. We have -- you must remember that we are in a confederation of 35 sport governing bodies. So, our policy or our position in this matter is that that has been generated as a result of discussions with that group of sport federations in Canada.

Our policy has not been one to win gold medals or silver medals or to win at all cost. In fact, our team selection standards have been to select athletes that are in the top 16 in the world or in the top half of their field if the competitive field or number of countries participating in effect is less than 32.

As a result, we have selected very large teams. Traditionally, Canada was the second largest team in Los Angeles, and Canada was about the fourth or fifth largest team in the Olympic Games in Korea.

And we have also as part of our selection policy expressed our philosophy by the fact we have chosen at least a third of our team as people who have not qualified according to those top 16 standards, but, in fact, are reasonably close to them or are promising newcomers that would benefit from an Olympic exposure and are setting their sights on the next Olympic Games and the top primary focus --

THE COMMISSIONER: Well, the top 16 in the world would be a pretty high standard, I would have

thought.

THE WITNESS: Well, there are many countries that choose their Olympic team on standards that are far more difficult than the top 16 in the world. And I think the evidence of the fact that our teams are about the largest team selected to the Olympics Games of 167 countries indicates that our team size is rather large.

We also know that Canadians are capable of world class performances. There are many Canadian athletes that have achieved very, very great international success. And you don't have to go very far back to think of our synchronized swimmers, or the Alex Baumanns, or the Sylvie Berniers or many other Canadians who have skiied or swam or rowed or whatever.

Canadian athletes can compete extremely well internationally, given the proper training and proper coaching and proper conditions.

And the 35 member sport federations, including our own officials who are part of our Olympic Association they are not directly associated with sport governing bodies, believe that we should have reasonably high standards because this particular event, selection to an Olympic team, is the most important team selection that we face within our Canadian system.

It is more important to the athletes and to

the federations than or Commonwealth Games or Pan American Games or World Student Games or other international events that these people can participate at.

We have all agreed that we should have some incentive within the Canadian system to try to set reasonably high standards. And the real challenge is not the standards. The real challenge is to provide the opportunities in this country to ensure that athletes have every opportunity to make those standards. And that's often what has been driving our Canadian sports system.

MR. ARMSTRONG:

Q. I suspect, and indeed, think you have already answered the question that I am just about to ask you, but just to put your evidence in another context. We had a witness here a couple of weeks ago, Cecil Smith, who is the Executive Director of the Ontario Track and Field Association, and he was critical that the Canadian Olympic standard in some cases in track and field was tougher than, higher than, or however one describes it, than the IAAF standard or the IOC standard for participation in certain events in track and field. And I think you are aware of that evidence?

A. That is true. He is --

Q. He just said that, I think simplisiter,

he simply said, look, we should be sending our best
Canadians to the Olympic Games whether he or she meets the
Canadian Olympic Association standard or alternatively
indeed I think he would probably go further and say
5 whether he meets or she meets the international Olympic
standard.

What do you say about that criticism, and
perhaps in fairness you have already dealt with it, but --

A. Well, Cecil has regularly been critical
10 of the team selection standards. And he raises one point
of view, but it is not the point of view of the 35
national sport governing bodies who voted unanimously to
accept top 16 criteria.

Where the IAAF standards vary from our
15 standard, it is a variance in philosophy. Our standards
are designed to identify what a top 16 performance might
be. These are defined three years in advance of the Games
that are about to happen where the athletes are about to
be chosen. And each of the definitions of top 16 are done
20 sport by sport with an agreement with the sport governing
body that they agree that the way that we would calculate
a performance, for example a particular lift, a weight
that is lifted or a particular speed for a runner or
whatever. Those are all negotiated in advance so that the
25 athletes, and the coaches, we in the Canadian Olympic

Association and the national sport governing body are very aware two to three years in advance of the team being selected exactly what standard an athlete must make.

And that's a terrific benefit for the athlete and the coach because they know that if they can run 100 meters in 10.92 seconds or whatever the top 16 performance is, they will be automatically selected to the Canadian Olympic team if nominated by their sport governing body.

The process does work very well, I think, because when we go to the process of selecting the 450 athletes for the summer team, at least two-thirds of them are selected automatically as a result of having met top 16 standards. There is no question in their mind or their coach's mind or our mind that they have qualified to meet those standards. The remaining third of the team are the ones who have not made the standard and we look at as borderline cases.

Q. All right.

THE COMMISSIONER: If nobody makes the standard, we still would have a right, as I understand it, to have one participant in an event; is that right?

THE WITNESS: Yes, that is correct. And prior -- we have chosen the '80, '84, and '88 Olympic teams based on the principles that I have just elicited.

Prior to that time, the process of selecting the athletes was much more subjective and based on argument and discussion and debate with the individual sport federations at the moment of selecting the team, which is a moment of high pressure and tension and everybody wanting to --

THE COMMISSIONER: Do we have somebody on an Olympic team who can't make the standard, is not really of medal quality, do we still send them over, do we?

THE WITNESS: Well, if they are within top 16 or reasonable probability of top 16 --

THE COMMISSIONER: No, my example was nobody was there --

THE WITNESS: Well, if no one was there --

THE COMMISSIONER: Take a high jumper?

THE WITNESS: -- our general policy would be that we would not take them.

THE COMMISSIONER: Even though it is the best Canadian?

THE WITNESS: That's right. And the member federations agree with that position.

We had, just to explain that there is flexibility in the policy, during the Calgary Winter Games, it was very clear to all of us concerned that there would be sports or events that would not be represented if

we had of selected only the top 16 competitors. And as a result, we modified our policy to encourage participation by Canadian athletes in every event in the Olympic Games because the Games were being hosted here in Calgary.

5 So, we have made adjustments from time to time based on the individual circumstances.

That's also true of selecting the Pan American Games team because we perceive the Pan American Games as a developmental opportunity for many Canadian athletes. So, the standards of making the Pan American Games' team are far more relaxed than the standards of being the top 16 in the world.

10 So, there is some flexibility with the Pan Am selection. There is a little bit more specific nature to the Winter and Summer Games selection.

15 THE COMMISSIONER: But if we have an athlete who is the best at that time that Canada could produce in a particular event, but he or she is below the top 16, that athlete would not be an Olympic athlete?

20 THE WITNESS: That's correct.

THE COMMISSIONER: But in Calgary we didn't follow that procedure because we didn't have enough --

25 THE WITNESS: The definition in Calgary was that if you can estimate that you would be in the top half of your field, and, for example, there might have been 125

slalom ski racers --

THE COMMISSIONER: Yes.

THE WITNESS: If you could prove by
previous international exposure in the year just
5 preceeding the Games that you were in the top 60 or 65
competitors in one race only, you would have been selected
to the team automatically. So, there was a considerably
more lenient definition.

THE COMMISSIONER: Go ahead.

10 MR. ARMSTRONG:

Q. All right. Then, let me go back to the
question of doping policy. You, not you but your
organization, passed two resolutions at a Board of
15 Directors' meeting on November 13, 1988. And I want to
file these separately and talk about each one separately.

The first one is a single paragraph
resolution of the COA Board of Directors' November 13,
1988. Could we have that as the next exhibit, please.

20 THE REGISTRAR: 274, Commissioner.

--- EXHIBIT NO. 274: Single paragraph Resolution of the
November 13, 1988 COA Board of
Directors' Meeting

MR. ARMSTRONG:

Q. And let's just read this, Dr. Jackson.

It says:

5 "On a motion duly proposed..." et cetera
"... it was resolved that, prior to
departure for any competition under the
jurisdiction of the COA, at a time and place
specified by the COA, all Canadian Team
athletes shall be subject to testing on one
10 or more occasions, under a program
designated by the COA."

Now, I guess it is self-explanatory, but
perhaps you can just take a moment to explain what was
regarded or is regarded as the likely implementation of
15 this policy and what was the basis for passing it.

A. Well, the intent by our member sport
federations was to express very clearly and very strongly
that they supported the principle of having their athletes
tested prior to departure. The development of our doping
20 program in Canada, as you are you now very aware, is the
fact that we have been going for only a few years now and
it does not provide as comprehensive a program currently
as all of us would like to see.

There is going to have been an improvement
25 in the resources applied to this program as well as to a

much broader spectrum of in-competition and
out-of-competition testing. We all recognize that that is
the case. And we in the Canadian Olympic Association
wished to express as best we could in these two
5 resolutions that you refer to, and then additionally to
two other resolutions in 1989 and at our annual meeting
this year, our commitment to an anti-doping program.

Now, the implementation of testing every
athlete prior to being selected for a team, in our case
10 the implementation will relate to the 1991 Pan Am team and
the 1992 Winter and the 1992 Summer Olympic team. We
still have to work out the logistics of how to do this.
Knowing that there is going to be some expanded testing
occurring with sport federations that have not been tested
15 before now being tested in the future and so on, we are
wanting the current program. In other words, the
leadership of the Sport Medicine Council and their
relationship of the national sport governing bodies to be
maintained.

20 In other words, we are not contemplating
creating our own doping program to run parallel with one
that is already our national program. We recognize the
national program, but we have indicated that if it
requires resources from us to help meet the doping, the
25 scope of testing contemplated here, that we are quite

prepared to discuss that as well.

So, we are anxious that it happens, although we are sensitive, as you are now, that it is difficult to do a testing just prior to a team leaving to go away. We assemble a team usually two weeks before the event is to occur. We outfit them with clothing and so on, and then we transport them down to the location of the Games. And it is, as you recognize, there are some real problems of trying to do doping control at that period of time.

That's why we have suggested that in this policy that at a time and place specified by the COA, it may in fact be that we wish to test most of these athletes through the normal testing program that will be occurring, and that may be sufficient for us.

THE COMMISSIONER: There's been some suggestion that this type of a resolution is one to save embarrassment rather to eradicate the use of drugs.

THE WITNESS: Well, it really is a difficult issue because as we now are very much aware most of the substances which are banned are substances which an individual takes at the time of competition. And as a result, whether it is an amphetamine, or an analgesic, or any other beta-blocker, whatever, it is going to be impossible for us in the Canadian Olympic Association to monitor those athletes obviously on the day of their

particular competition. Those banned substances such as drugs or diuretics which are used primarily during the training period of time --

THE COMMISSIONER: Yes, they could be
5 detected.

THE WITNESS: -- are the focus of real attention by us. And that's to a very great degree what this policy will relate to.

10 MR. ARMSTRONG:

Q. All right. Then, the second resolution that you passed on that day is a four paragraph resolution which I would be ask be marked as --

15 THE COMMISSIONER: 275.

THE REGISTRAR: 275.

MR. ARMSTRONG: -- 275. That's it, I can go home now.

THE COMMISSIONER: That's right.

20 --- EXHIBIT NO. 275: Four paragraph Resolution from the
November 13, 1988 COA Board of
Directors' Meeting

25 THE COMMISSIONER: What date was this, Mr.

Armstrong? I see it is November 13, the same day, was it?

MR. ARMSTRONG: Yes.

THE COMMISSIONER: Thank you.

5

MR. ARMSTRONG:

Q. Okay. Then, in this resolution resolve
that a program or programs of announced out-of-competition
testing be instituted in respect of Canadian athletes,
that a similar policy be adopted by all international
10 sport federations and their member national federations,
and that Canadian national sport federations be urged to
work actively to achieve such programs both within Canada
and internationally, that the IOC undertake a coordinating
role, et cetera. That the IOC use its best efforts to
15 organize an international program of educational nature.

So, I take it that again what you are you
doing by this resolution is that you are kind of lending
your moral authority as the Canadian Olympic Association
to a program or programs of unannounced out-of-competition
20 testing that it is not foreseen that the Canadian Olympic
Association itself would implement a program of
unannounced or no-notice out-of-competition testing?

25

A. That is correct. We're trying to encourage our member federations to ensure that they have such anti-doping programmes in place. And ---

5 THE COMMISSIONER: But going back to the last one, though, about the prior-to-departure testing, that suggests that it's going to be under the jurisdiction of the COA, at time and place specified by the COA. Was that how it's going to work?

10 THE WITNESS: Our hope is to coordinate this programme by the existing efforts that are currently ongoing with our member sport federations, the Sport Medicine Council of Canada and Sport Canada.

THE COMMISSIONER: That's on the premise that we're serious about this, is that what you're saying?

15 THE WITNESS: Well, what we attempted to do with this second resolution was to identify some of the areas of concern ---

THE COMMISSIONER: All right.

20 THE WITNESS: --- and then following that up, in 1989 we have put some financial penalties in place to back up our encouragement of our member federations to be serious about establishing their own policies, and if you wish to go into that now or later, we can refer to that as well.

25

MR. ARMSTRONG:

Q. Well, why don't you give us a brief overview on that right now?

A. We, following our November 13th, 1988 meeting, we then had our annual meeting in April of 1989 and I'm not sure whether you have copies of these -- if you don't, I can -- I would have thought you would have but

Q. Well, I'm sorry, I probably do and probably I've overlooked getting them out of my file....

A. We, we had a number of, a small number of resolutions, the one that I was relating to specifically I'll read for you. It says:

That the member sports of the Canadian Olympic... ---

THE COMMISSIONER: This is what date now, April?

THE WITNESS: This is April 14th, 1989. It says that the member sports of the Canadian Olympic Association establish a plan for anti-doping for their associations, which include the elements of short-notice, out-of-competition testing; and that such plans be approved by the Sport Medicine Council of Canada and be ready for implementation prior to April 1st, 1990; and that failure to do so would mean that a sport would not be

eligible to participate in any programmes of the Canadian Olympic Association, including funding and participation in future Games under the jurisdiction of the Canadian Olympic Association.

5 Now, that was supported unanimously by our member sport federation ---

HIS LORDSHIP: Would you just read that to me again, what's the condition that they knew of?

10 THE WITNESS: They must have plans for anti-doping which includes the elements of short-notice, out-of-competition testing and that such plans must be approved by the Sport Medicine Council of Canada and be ready for implementation in April 1990.

THE COMMISSIONER: I see, thank you.

15 THE WITNESS: And failure to do so would mean that their share of any of the 12 million dollars that we were distributing over this quadrennial or their participation in any future teams would be stopped, if they did not have such plans by April 1st, 1990.

20 So it shows the commitment not only of our own Olympic Association but of our member sport federations to try to encourage the development of these policies with these elements of out-of-competition, unannounced testing.

25 MR. ARMSTRONG: If I could have that copy,

could we file that as the next exhibit?

THE WITNESS: And there are other resolutions at the top of the page which I have not mentioned.

5 THE COMMISSIONER: 276.

THE REGISTRAR: That will be 276, Commissioner.

10 --- EXHIBIT NO. 276: COA Board of Directors
Meeting - April 14, 1989
Minutes.

BY MR. ARMSTRONG:

15 Q. Now, that resolution that you've just referred to in April of 1989, it's a resolution of the board, the previous two exhibits, 274 and 275, are resolutions of the board of directors of the COA. Did they go from the board then to the full membership at some point?

20 A. These are all resolutions of the board.

Q. And they don't need to go on ---

A. Well, they were ratified by the general assembly, in the case of the 1989 resolutions, because the general assembly followed on from that.

25 Q. I see. All right. And in the case of

the 1989 resolution, you say that all member sport organizations have supported it?

A. That's correct.

Q. That is, to have a policy of unannounced short-notice, out-of-competition testing in place by April of 1990?

THE COMMISSIONER: April 1990?

THE WITNESS: That's correct.

BY MR. ARMSTRONG:

Q. All right. Then I wanted to take you back in time for a moment to the question that was raised a few minutes ago by the Commissioner, and that is that we have had evidence here that in late 1983 and early 1984, there was an anonymous testing or a testing programme implemented at the IOC accredited lab in California.

And that during the course of that programme, whatever its intent was, it was utilized by a number of athletes, including Olympic athletes in the United States, to in effect establish their own clearance times.

And did the Canadian Olympic Association become aware that that was indeed the case?

A. We were quite aware following the 1984 Summer Olympic Games in Los Angeles that not only was that

doping policy in the United States evident, but that there were cycling athletes that had been using what are now banned practices in order to try to enhance their performance. And as a result, a few months after the games, I wrote to the then new president of the United States Olympic Committee, Bob Helmick, who had just been appointed, expressing our concern at their policy and suggesting in effect that their policy was not much more than trying to screen athletes to ensure that they were clean at the time of competition. And were they serious about this issue and how were they going to proceed in the future, that we would like them to be in harmony with some of the initiatives that we hoped would occur with our own system in Canada.

MR. ARMSTRONG: All right then, I propose to file that letter as the next exhibit. It's dated May 29th, 1985 and it's addressed to Bob Helmick, President of the United States Olympic Committee and signed by Roger Jackson, President, Canadian Olympic Association.

THE REGISTRAR: That's 277, Commissioner.

THE COMMISSIONER: Yes, thank you.

--- EXHIBIT NO. 277: Copy of letter dated May 29, 1985, Jackson to Helmick, U.S. Olympic Committee

BY MR. ARMSTRONG:

Q. Then Dr. Jackson, addressing your
attention in particular to the final paragraph on page 1
of your letter, you say,

"We were considerably dismayed when the
U.S.O.C., in developing its own policy
following Caracas, seemed to indicate that
their testing program was one that was
primarily designed to ensure that the
athletes were 'clean' prior to entering
international competition..."

And,

"...this seemed like an absolute mockery to
us and no different than the policies
followed by nations who condone the use of
banned substances and protect their athletes
from getting caught."

And in the letter you say, at page 2,
"I'm enclosing a letter from the President
of the Sport Medicine Council of Canada who
expresses their views on your policy.
Whereas they are mistaken concerning the
relationship between the COA and the IOC, I

know that Dick Pound is being encouraged to bring this issue to the attention of the IOC and I expect he will do so.

5 "I'm enclosing, for your information, the doping policies that were developed by the Canadian Olympic Association.

10 "I would appreciate your association's views on this matter, particularly if there does appear to be an interest to modify what we understand to be the existing U.S.O.C. policy.

15 "Yours sincerely, Roger Jackson, President".

Now, did you ever in fact receive a response from the United States Olympic Committee to your letter of May 29th, 1985?

20 A. No, I don't recall receiving a response, nor do I have a response in my file, so I don't believe I did.

Q. All right. And in fairness, however, to the United States Olympic Committee, you did a year or so later take up some other correspondence with them

25

concerning what their doping policies were at that time?

THE COMMISSIONER: Well, there was no response to this particular query that you made?

THE WITNESS: No, there wasn't, but I think
5 certainly in fairness to the situation they, as were we,
developing and evolving our own policies and ideas on this
matter, and later correspondence that I have had with them
in 1986 indicated that they were making changes to their
policy and they themselves were going through some turmoil
10 and discussion as to exactly what their policy should be
and how they should implement their own programmes.

THE COMMISSIONER: Your concern though
about this I notice was shared by Miss Connolly for the
Biden Commission. She says,

15 In 1983 when I heard about the U.S.O.C.'s
pre-Olympic testing programme that was
allowing our athletes to find better ways to
keep from being detected by official
testing, I felt betrayed, like a child whose
20 parents had deserted her.

So your concern I guess was shared by other
people.

25 BY MR. ARMSTRONG:

Q. I assume you agree ---

A. Oh, yes.

Q. --- that that is so, that it was
concern by other people, both outside the United States
and in the United States?

A. Oh, absolutely. We certainly in Canada
want to stop the practice rather than to provide
protection for those who are condoning it.

Q. And again, just so we have it clear,
although you have may have had some subsequent
correspondence a year and a half later about what the
U.S.O.C. was doing at that time, you never did have a
specific response to that very clear statement that you
made at the bottom of of this letter dated May 29th, 1985,
that is, that their testing programme was one that was
primarily designed to ensure that the athletes were clean?

THE COMMISSIONER: Prior to entering
competition.

BY MR. ARMSTRONG:

Q. Prior to entering international
competition.

THE COMMISSIONER: Not just clean.

THE WITNESS: Right.

BY MR. ARMSTRONG:

Q. And there is, of course, proposed in the United States at the present time that there be some kind of bilateral agreement, indeed, I believe there has been a bilateral agreement signed by the United States Olympic Committee and the Soviet Union in respect of testing each other's athletes, and do you know whether or not that agreement has in fact been implemented?

A. I don't know for certain. My understanding is that they are still attempting to work out the logistics of testing each other's athletes, particularly the question of being able to get quick access into each other's countries in order to implement the short-notice testing that is very much needed to be a feature ---

THE COMMISSIONER: Wouldn't that need, though, the support of the federations of the national sport organizations? The U.S.O.C., just as you are -- you don't have any member athletes; your membership is federations?

THE WITNESS: That's correct, but as long as our member federations are agreeable to the policy ---

THE COMMISSIONER: But it would depend on the federations' agreement, I think, is that how it must work ---

THE WITNESS: Certainly within Canada it could be possible ---

THE COMMISSIONER: Suppose you were in agreement, with say, a similar twinning agreement --- say
5 with East Germany --- that might be a tough one to do --- and you entered in that, could you do it on your own or would you have to have the approval of the various sports federations whose members are going to be tested?

THE WITNESS: We certainly would, but they
10 are our membership in effect and ---

THE COMMISSIONER: Right ---

THE WITNESS: --- our policy would be their policy ---

THE COMMISSIONER: Oh, yes, your policy
15 would be reflected in their policy, thank you.

THE WITNESS: Yes, but the initiative of the United States in having this National Olympic Committee agreement to test each other's athletes is a very positive public step at least and ---

THE COMMISSIONER: What about expanding
20 that, have several twinning agreements, though, in the sense that every major sports country would somehow have a, have a partner in mutual testing?

THE WITNESS: That is an excellent idea and
25 very much needed because, as you appreciate, athletes from

one country often train in another country, whether it's for educational purposes or to find a better coach or better training environment. And I believe this cross-country testing is occurring now Scandinavia now, amongst the Scandinavian National Olympic Committees, and we in Canada would be very supportive to try to assist any National Olympic Committee that would like to enter such relationship ---

THE COMMISSIONER: So that if Australia twins some other country, Britain twins some other country, U.S.A. twins, say, Russia, you'd have a twinning agreement with all the major sports countries, couldn't you?

THE WITNESS: That's right. One of the topics of discussion that I'm having with a small number of presidents of other National Olympic Committees is to discuss all of us -- not just twinning -- but all of us, working cooperatively together to have such an understanding or an agreement.

THE COMMISSIONER: But I'm thinking, though, of an arrangement, as I understand the USOC and the USSR agreement is that, it would provide that the Russians can come into the United States and test American athletes?

THE WITNESS: That's right.

THE COMMISSIONER: And the Americans can go to the USSR and test Russian athletes?

THE WITNESS: Correct.

THE COMMISSIONER: And they of course are
5 two of the major sports powers in the world?

THE WITNESS: That's right.

THE COMMISSIONER: So that if say Great Britain twinned with -- or bilateralled, if you want to call it that, with another sporting... and Australia did,
10 and we did, somehow at least we'd have some supervisory authority over each other and cover all the major sports federations, not just for athletes who happen to be training over there. Like our athletes.

THE WITNESS: That's right. That's
15 correct.

BY MR. ARMSTRONG:

Q. All right. The Athletics Congress or the TAC I take it is a significant member of the USOC, is
20 it not?

A. I believe it is.

Q. And in fact, it's one of the dominant members of that organization; would you agree with that?

A. I think so. Although I'm not entirely
25 sure of the politics and the pressures there.

Q. And if this agreement between the USA and the USSR is going to work, it's going to require, I assume, the approval of the TAC?

A. I'm not sure I can comment on that.

5

Q. All right.

All right, well, then I'm going to move along to another subject and take advantage of the fact that, apart from the fact that you are president of the Canadian Olympic Association, you also are at the University of Calgary and from time to time we've heard that there does exist some kind of testing programme for athletes at the University of Calgary, and does that programme still exist and what does it comprise?

10

A. Well, it still does exist. It's been going I think for four years or maybe it's five years now. We took advantage of the fact that Calgary was developing a doping laboratory in association with its preparations for the Calgary Olympic Winter Games.

15

We have been advocates within the Canadian Inter-University Athletic Union that there should be dope testing associated with certain sports in the CIAU programme, in particular football. Up until recently we have not been able to see the CIAU establish such a policy and so we decided to implement our own programme that would relate only to the jurisdiction to the 17 or 18

20

25

inter-collegiate sports teams at the University of
Calgary.

So we have implemented a programme of
testing of all inter-collegiate athletes using the
5 facilities in Calgary to assist us with the analysis of
the samples, and we're still interested in that and we're
very pleased to see that the CIAU you now is moving
towards developing its own policy and that's a very good
step.

10 Q. Then you, as president of the Canadian
Olympic Association and coming from Calgary, will
undoubtedly have some familiarity with the Foothills Lab
in its capacity as an accredited ---

THE COMMISSIONER: Isn't this the same lab
15 we're talking about ---

THE WITNESS: Yes.

BY MR. ARMSTRONG:

20 Q. Same lab, in its capacity as it once
was, at least, an accredited IOC lab. We understand that
technically it's still accredited but has been under some
form of suspension.

How important is it, as president of the
Canadian Olympic Association, that there be a second IOC
25 accredited lab in Canada?

A. Well, the Canadian Olympic Association in our general assembly at our annual meeting discussed this issue and I don't know whether it was unanimously supported, but it was certainly supported by by far the vast majority of the individuals within the audience, that we should have a second lab.

The reasons are very, very simple. We believe that two laboratories in Canada will provide better implementation of service; there is an awful lot of national teams that are stationed in the west of Canada, many of them in Calgary, that could benefit from a lab being in such close proximity.

We believe from a financial standpoint that competition amongst the labs is important to hone their skills and to keep the price of testing within reason.

We also believe, and this is very important, I think, and it's been missed often by people, is that the original purpose of establishing a Calgary lab was to assist with the doping control programmes during the Calgary Games. Well, we could have, as organizers of the games, used the Montreal laboratory and their services; what we decided to do was to try to leave a legacy following the Games of an experienced doping control lab that would allow us, within the academic community in Calgary, to develop research projects associated with

anti-doping issues, or associated with endocrine changes associated with sports training, whether it be young females spending 30 hours swimming in synchronized swimming programmes, and how this enormous physical stress, 30 hours a week of training, affect their own growth and development and other such issues that we were very interested in exploring.

And as a result, we in the scientific community have a very strong interest in seeing the Calgary lab viable, not only in the anti-doping sense, but to assist with major research projects.

Q. Let me turn to the question of the --- looking ahead to the future and in effect suggesting to you that if you were in the position of the Commissioner in not too long a time --- that is, having to put your your mind to ---

THE COMMISSIONER: Why would you wish that on him? He seems like a very nice man.

MR. ARMSTRONG: Well, I, I guess -- well, I was trying to think if I could think of a worse fate, but I guess I can't. And you're right, he doesn't deserve it, but we'll absolve him of the responsibility fairly quickly.

Q. What are the issues that you, Mr. Jackson, think require addressing by this Commission that

you and I have not already canvassed, that you would like to give us the benefit of your opinion on?

5 A. The Canadian Olympic Association is, I think, as you know, preparing a report that we hope to submit to you ---

THE COMMISSIONER: Yes, I got a letter from Mr. McCreath ---

10 THE WITNESS: In September, and we will be discussing the content of that the weekend of the 22nd, 23rd. The report is being developed now by a special committee of ours. I think in general we're very concerned about ensuring that we have a very good, comprehensive, well-administered anti-doping programme in Canada that reaches the scope of what we believe to be the
15 problem in our sport system.

We want to try to ensure that we and the federal government and our member sport federations are coordinated on sanctions and penalties so that our philosophy about how serious these infractions are is a
20 consistent philosophy rather than stumbling over each other in these matters.

We also want to be sure that our philosophy in these matters, the value that we place on the ethics of this issue, is consistent with the international
25 federations and other national Olympic committees and that

requires us to expand our debate into the international forums, not only to ensure that they have doping policies and are implementing doping programmes, but the penalties and sanctions and the way that we perceive the importance of this issue is reasonably consistent, and I see that as an ongoing debate that is going to require more time internationally, but certainly something that we may be able to get much more of a hold of in the next few months, as a result of this Commission and the result of further discussions within our sport community on that matter.

I'd like to see us take a serious look at the research that might be associated with the harmful effects of steroid or other use to be clear and sure of the justification on the basis on medical grounds so that people are very clear about it, because I think there is some confusion.

I would like to see this country provide further research into testing procedures to try to improve the testing that is occurring now, to see if we can't establish more accurate and better tests, associated with these problems to help us try to control these issues, and I think it's quite possible the Department of Health and Welfare to which the Fitness and Amateur Support Branch fits in, in the structure of the federal government system, that they may wish and hopefully would seriously

consider expanding their activities to give some consideration to these issues that are being -- the medical impact of these issues that are being raised here.

5 I think also we in Canadian sport in the next several months will probably look at this issue of how important are medals, how important -- what is clearly the philosophy of our Canadian sport system? Federal Minister Charest has tabled for the time being a task force report dealing with the future of Canadian sports
10 systems, his goals, objectives, programme needs and so on; he wishes to review that report in light of --

THE COMMISSIONER: Were you part of that committee?

THE WITNESS: Yes, I was.

15 THE COMMISSIONER: Well, I read that report. It does seem to me, with respect, a major objective is medal winning?

20 THE WITNESS: Well, it certainly has a major objective of being successful internationally, and you're absolutely right, and I think in light of this discussion here we have to discuss that issue again. I'm not entirely sure we're going to change our minds on the importance of our international programme being a serious ---

25 THE COMMISSIONER: Well, you set a pretty

high standard. We've got to be the fourth, fourth strongest in the so-called western world, in the Summer Olympics, and first in the Canadian Olympics?

THE WITNESS: In the Winter Olympics.

5

THE COMMISSIONER: In the Winter Olympics.

THE WITNESS: Well, I ---

THE COMMISSIONER: That's the goal that you set in that 2000 projection, I think?

THE WITNESS: I wouldn't argue with you at this point. I don't think we set first in the Winter, but we did want to be one of the leading nations in the western world. And we have been there before, in 1976 we were the fourth western nation in the Olympic Games in Montreal, but we certainly have dropped as a result of the Seoul, Korea results to a lower position than that.

And I think the Canadian sports system, Canadian athletes, Canadian coaches, know they can be very competitive internationally ---

THE COMMISSIONER: Well, it depends whether you have a level playing field?

THE WITNESS: It's partly that. But you know, you must keep in perspective that in Canada the doping issues that we have been concerned with have dealt primarily with two sports of the 35 that are on our programme ---

THE COMMISSIONER: Oh, it's broader than that. We haven't gone into all the details. It's broader than that, Dr. Jackson ---

5 THE WITNESS: Well, the positive results that we have ---

THE COMMISSIONER: Well, the positive results are quite ineffective, as you know, to detect steroids? If you're relying on positive results I don't think you've got the true picture.

10 THE WITNESS: Well, I personally don't know of any other evidence of athletes in most of the other sport governing bodies that we are dealing with of any steroid use.

15 BY MR. ARMSTRONG:

Q. Well, just a minute, though. We know about the conspiracy of silence. It goes on today. And we know that up to the present time there is not effective out-of-competition testing.

20 So as far as steroids is concerned, unless you have a Dubin Inquiry, you're not going to find out about them or unless you have out-of-competition testing, you're not going to find out about them, and we know from the evidence that we've heard that there is a conspiracy
25 of silence, so in fairness, I don't think you can make the

statement that you've just made, that we're just talking about two sports.

5 A. Well, to be honest with you, I know of no conspiracy of silence in basketball or volleyball or synchronized swimming or rowing or canoeing or badminton ---

 THE COMMISSIONER: Nobody disputes that, nobody suggests ---

 THE WITNESS: --- but that was my point ---

10 THE COMMISSIONER: --- that it pervades every sport, but it's not just limited to track and field. And what other one --- weightlifting?

 THE WITNESS: Well, weightlifting and track and field have been two, and there was one positive case with one swimmer which we talked about.

15 But in effect I'm trying to represent the views of our Athletes Advisory Council who issued their own statement concerning anti-doping at our April meeting of this year, and one of the points that they wished to express most strongly is that in their belief --- and I believe them -- the great majority of Canadian athletes are serious about performing well internationally without the use of performance enhancing drugs or procedures.

THE COMMISSIONER: I think we accept that
to be so.

THE WITNESS: That was the only point I
was trying to make.

5 MR. ARMSTRONG: Thank you very much, Dr.
Jackson. Those are all the questions I have.

THE COMMISSIONER: Any questions, Mr.
McCreath?

10 MR. McCREATH: No, thank you, Mr.
Commissioner.

THE COMMISSIONER: Any questions,
gentlemen?

MR. DePENCIER: No, thank you.

15 THE COMMISSIONER: Thank you very much for
your assistance, Dr. Jackson.

THE WITNESS: Thank you, Mr. Commissioner.

THE COMMISSIONER: You have given us a lot
to think about today. All right, 2:30.

20 --- Luncheon recess.

--- Upon resuming.

THE COMMISSIONER: Mr. Armstrong.

25 MR. ARMSTRONG: Yes, thank you, Mr.
Commissioner. I am pleased to say that our next witness

is going to be Mr. Dennis Degan of the Food and Drug Administration in the United States. And he has come here today accompanied by Mr. Eugene Thirolf, an attorney with the Department of Justice in Washington and both --

5 THE COMMISSIONER: We met before and he has already briefed me on some of the law in the United States. Thank you.

MR. THIROLF: Mr. Commissioner, it is good to see you.

10 THE COMMISSIONER: Thank you.

MR. ARMSTRONG: I must say that both Mr. Thirolf and Mr. Degan have been exceptionally helpful to us in areas that have been of interest to us. It is with some pleasure that I ask Mr. Degan to step forward and take what appears now to be something more than the witness box.

DENNIS DEGAN: Sworn.

--- EXAMINATION BY MR. ARMSTRONG:

20 THE COMMISSIONER: Thank you. Mr. Armstrong.

MR. ARMSTRONG:

Q. Thank you. Yes, Mr. Degan, I understand
25 that you took your university education at Bowling Green

University in Ohio from which you graduated with a BSc degree; is that correct?

A. Bachelor of Science degree, yes.

Q. You joined the U.S. Federal Government in 1965 being assigned to the Federal Food and Drug Administration --

A. That's correct.

Q. -- in the U.S. Federal Government.

And, indeed, you have been employed in the Food and Drug Administration continually since 1965?

A. That's right.

Q. You started out originally as an investigator with the FDA, then a compliance officer. Then in January 1985, you assumed the position of National Co-ordinator, Steroid Investigations; is that correct?

A. That's correct, yes.

Q. And can you tell us just a little bit about what is involved in that job and what the nature of your office is, please.

A. Yes, basically the contrast between the work we did before where you were engaged in directing and/or involved in in a wide range the activities as the FDA does, they took me out of that particular position, put me into steroids, which is a very specific area to where I spend the vast majority of my time doing nothing

but directing cases nationally, interacting with other federal agencies who are involved in the steroids investigations that we do, co-ordinating and working with the U.S. Department of Justice.

5

Q. All right. And your jurisdiction obviously with the Federal Government extends right from one end of the country: east, west, north, south to the other?

10

A. That's correct. My responsibility would be to be aware of all the Federal investigations that are ongoing that we are actually targeted and working on.

Q. You are centered in Detroit, Michigan?

A. That's correct.

15

Q. All right. And what size office do you have, and what kind of positions are there in your office?

20

A. The staff I have is I have an assistant who assists me and particularly takes care of the work load that goes on, and phone calls, and those things, because I spend the greatest portion of my time travelling throughout the United States and/or other countries. So, I have an assistant. I have a personal secretary. And we have about 10 people who do computer work for us who work six or seven days a week tracking information nationally that's going on in these cases.

25

Q. All right. As I understand it in the position that you are in, you are both conducting investigations but also you, as your job would suggest, co-ordinate -- you are kind of at the heart of many of the investigations that may take place from time to time in the United States?

A. That's correct. I actually get involved working in actual investigations from their inception through to the end of the legal process, as well as directing and co-ordinating other investigations that may be done by other agents and I just add some support to them.

Q. And indeed you are perhaps one of the few people in the United States, indeed it may not be stretching it too far to say that one of a few people in the world on the law enforcement side that is able to kind of see the big picture as it were, am I correct?

A. Yes, I would guess in the U.S. there is no counterpart that I would have. And I have only run into a few people in other countries that are spending let's say a significant amount of time on steroids.

Q. If, for example, there is a steroid seizure or investigation or something going on in Florida, typically what may happen is you may be called in to consult or coordinate, and if you see certain information

that is percolating up through the Florida investigation that seems to have something to do with an investigation going on somewhere else in the country, you are able to kind of put the two or three or whatever the groups are together; is that correct?

A. That's a very good description of exactly one of the functions that I do do.

Q. We are going to get into this when we get into more of your evidence in detail, but does your -- again without getting into any confidential or sensitive area, but does your position bring you into contact with other police forces, for example the Royal Canadian Mounted Police?

A. Yes, it does. In fact I mean I have no problem in telling you we work closely with our Federal Bureaus of Investigation, the Customs Service, DEA, state, local officials and, in fact, the RCMP here in Canada.

Q. Now, I note that your position as National Co-ordinator of Steroid Investigations began in January of 1985. And was that the creation of a new position?

A. Well, it was kind of just the fact that the agency had recognized at that time that we had a national problem in the States and it was a way to try to deal with it rather than the typical way our agency would

have been structured is that each district would do a case independent, more or less on its own. It was an attempt to add some structure on a national basis to take all this information from all over the country, put it in one
5 central office, and there was a need to have somebody do that so they asked me to take that role.

Q. Now, some of the cases in which you have been involved in, I don't want to review the details of them, but one or more we certainly have heard about.

10 You were the case agent, to use the American terminology and what we would probably describe in Canada the chief investigator, in the now much-publicized David Jenkins case in Southern California; is that correct?

A. That's correct. I worked hand in hand
15 with the U.S. attorney and a person assigned from the U.S. Customs Service in the conduct of that entire case.

Q. And the David Jenkins case, of course, is the British athlete, the 400-meter runner, who became involved, ultimately convicted and sentenced, in respect
20 of -- I don't know what the precise charge was -- but it certainly involved the manufacture and moving in to the United States from Mexico of various steroids; is that correct?

A. That's correct. It was Mr. Jenkins and
25 I believe we indicted around 34, 35 people and some

companies with respect to that case which essentially was making counterfeit steroids in Mexico and smuggling them into the U.S. and then distributing them through the country.

5 Q. Now, I don't know again if I get into information that isn't part of the public record or is sensitive, I am sure Mr. Thirolf will give me a kick under the table here, but was there anything on the public record in the Jenkins case as to how much money was
10 involved? What was the scope of the Jenkins conspiracy?

A. Well, a number of figures have been used, but I think it would be safe to say that that operation involved millions of dollars worth of steroids being moved into the United States.

15 Q. And the case received a lot of publicity in North America early last December when he was sentenced. When was the indictment, for what period of time? When did this activity take place?

A. Well, these activities began late 1986
20 and I believe the indictments were announced in early summer of 1987.

Q. And the operation with which he was charged, did that involve -- did it go over a period of years in the 1980's?

25 A. Well, basically it was going just

through that period of time in 1986 and early 1987.

Q. And then another case that you have you been involved in and the key -- one of key co-ordinators or investigators in was the Tony Fitton case, am I right?

5 A. That's correct.

Q. All right. Since you have been involved in the co-ordination, investigation, prosecution of these steroid cases in the United States, about how many prosecutions have there been that we know of on the public record in the United States? Can you give us an idea?

A. My best guess would be that there is probably at least 200 convictions to date.

Q. All right.

15 A. This would encompass, you know, various charges that we use in these investigations.

Q. Now --

THE COMMISSIONER: Is this just traffickers or --

20 THE WITNESS: Yes, sir.

THE COMMISSIONER: Just traffickers or other minor, more minor charges?

THE WITNESS: These would be a combinations between traffickers, people who are caught smuggling these drugs into the United States.

25

THE COMMISSIONER: All right.

MR. ARMSTRONG:

Q. One of the issues that -- perhaps it is
5 not appropriate to call it an issue -- but one of the
pieces of information that seems to surface in the area of
steroids and the prosecution of steroid offenses and drugs
like steroids, is that certainly for a long period of time
and perhaps even in this country a continuing period of
10 time they have not -- these drugs have not been regarded
perhaps in the same way by law enforcement agencies and
prosecuting agencies in a similar light to say the
recreational hard drugs such as cocaine, heroin, crack,
and so on. And that it has taken a long time to catch the
15 attention of law enforcement agencies.

Has that been, and perhaps you can't comment
on this and if you can't, don't, but has that taken -- has
it been a similar experience in the United States, it has
taken awhile for law enforcement agencies to pick up
20 interest in this subject?

A. I think that's fair to say. I mean it
goes along with the problem that with so much in resources
having to go into the controlled drug area, whether it be
cocaine, heroin, et cetera, this problem was not, number
25 one, widely raised in the United States say prior to 1983

by law enforcement people.

And then when the Federal Government got involved in '85, it's been a continuing process of education of both the public and I believe the government itself and the regulatory people recognizing the problem for what it is. And now it is viewed quite differently obviously than it was.

Q. Now, in addition to the many tasks that you undertake in terms of investigating, co-ordinating, assisting in the prosecution of these cases, you have, as I understand it, become involved at least to the extent the time will permit in an educational function, that is making student groups, athletic groups, youth groups, other groups who maybe interested aware of what the nature of the steroid problem is in North America and elsewhere, is that so?

A. I would say I spend really very little time personally doing that, but the agency has, which I will show you a bit later, is spending a lot of time and/or money in promotional materials to go to the high schools with an emphasis on the educational campaigns.

We have what are called consumer affairs officers in our district offices who do that kind of thing as well.

Q. All right. You have available, and you

brought with you today, a series of slides that attempt to cover the sort of educational component of the steroid problem in the United States. You are going to show us.

Now, before you do that, I am going to leave this in your hands. You have a whole series of vials, bottles, drugs, et cetera in front of you. Are you going to work that in to your slide presentation? Do you want to deal with it now, or do you want to deal with it after the slide presentation?

A. I guess I could just make a couple of comments about it as to why I brought them up.

Q. Yes.

A. I wasn't sure, obviously I have tried to follow some of your proceedings here, but, you know, as to how much of these drugs you have seen in your Inquiry, typical questions at least in early years in the States is what did these drugs really look like, you know everybody talks about steroids but what really are they, what do they look like, how do they come, how big are they. So, I thought I would bring you a variety of what we typically see in our investigation.

THE COMMISSIONER: We have been talking about anabolic steroids.

THE WITNESS: Yes. These would represent combinations of anabolic steroids and/or other

prescription drugs because we found that the problem is really not just a problem limited to anabolic steroids. The people who use these drugs take steroids obviously for the purposes that they want. There are many side reactions that do the things that they don't want so they have to take other drugs --

THE COMMISSIONER: I see.

THE WITNESS: -- to take care of that. So, there are a variety of prescription drug materials besides steroids that are an integral part of the black market.

The other thing that this is illustrative of is the vast majority of the drugs that I brought along are in fact counterfeit drugs. That's a big part of our black market as I will go through one of the slides and explain to you.

We have clandestine laboratories in the United States as well as laboratories outside the United States --

THE COMMISSIONER: You say they are counterfeit, are they labeled as if they are made by legitimate manufactures?

THE WITNESS: Yes, sir. They are labeled as if they were produced from a firm, an existing firm, with a fine reputation when in fact that firm didn't make it. One of them would be a firm right here in Canada for

example.

And the point is that the people on the black market using these drugs obviously have a difficult time telling them -- one from the other. Some of the sophisticated people can. The other thing that is important about them is that some of the operations in fact put actual steroids in these drugs, the fake counterfits.

A number of operations put nothing in them at all other than sesame oil. And so, you are giving yourself an injection, there is no drug in it at all. And others will mix the drug ingredients. You may be taking testosterone thinking you are taking testosterone and in fact you are getting another drug because they mix them up. They don't particularly care as long as they are making their money.

THE COMMISSIONER: Apart from the clandestine labs in the U.S., are there still steroids coming into the United States from the outside?

THE WITNESS: The biggest one was, of course, the Mexico operation. And the Mexico government, I believe, about three or four months ago finally seized that operation and shut it down. I am not quite sure whether it is still producing elsewhere. But we have seen other drugs coming in to the States from other countries

as well.

THE COMMISSIONER: Do you have other than counterfit drugs that are brought in into the United States through Customs, say from Europe or --

5 THE WITNESS: Other than counterfits?

THE COMMISSIONER: Yes?

THE WITNESS: Yes, sir, there are a lot of drugs coming particularly from Brazil, they will go after the Lipodex. The European steroids because of -- they are
10 very much in demand because there are steroids used in those countries that are not approved in the United States. And the belief is is that the users here in our country want to be able to compete effectively with the people from the other countries, so they want the same
15 type of drugs that they are using.

THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

Q. I think you are probably going to cover
20 this when you do your slide presentation, but just while we are talking about counterfit drugs, is there a problem starting to develop now that the counterfit drugs, which typically trade on the black market, are finding their way in to the legitimate market?

25 A. We have only seen I believe one or two

instances where we have in fact documented one of these particular drugs getting on the legitimate market, but it is a very important question because it raises one of the concerns I believe that society would have that if people become so successful in making these types of drugs, it is not that great of a leap from the black market to the legitimate market.

I think one thing that's beneficial to most people is the legitimate demand for steroids themselves on the legitimate market is not that great. The biggest market is in fact the black market so that there may not be that much incentive to move it up the chain, if you will, to the legitimate market, but others of these drugs there are and the profit motives might at some point interest these people in going that way. I think that that's a real danger, in my own personal opinion.

Q. All right. What about, I know most of these drugs I believe are anabolic steroids, but what about human growth hormone? Is that something that's finding its way into the black market in the counterfeit form?

A. There is no question that human growth hormone is an integral part and found on the black market. In fact, it is probably the most expensive drug that we find on the black market. Typically, people might pay six

to \$700.00 for one box which is represented by two vials of powder and a bottle of dilute. We have seen it on price lists --

5 THE COMMISSIONER: Is that human growth hormone you have in that?

THE WITNESS: Yes, sir, that's an example.

THE COMMISSIONER: Where was that made?

THE WITNESS: This is made in San Francisco.

10 THE COMMISSIONER: Is that counterfit or is that --

THE WITNESS: No, that is real.

THE COMMISSIONER: Because it is very closely regulated in Canada, the legitimate use of it.

15 THE WITNESS: It is very closely controlled. I mean the companies in the U.S. diligently try to keep the stuff out of the black market, but it is like anything else, you know, when it gets to ultimate distribution points, you don't always have the control you would like to have.

20 MR. ARMSTRONG:

25 Q. All right. Now, let's just look at a couple of these. Here are one or two drugs that we are familiar with. I see you have got Winstrol-V. And there is a note on the carton "Authentic". So, obviously that's

a bottle of the legitimate Winstrol-V. Then here is a package of Winstrol-V. Is that authentic or is that --

A. That would be from a counterfeit laboratory.

5 Q. That's a counterfeit laboratory?

A. Yes.

Q. All right. The Commissioner might just want to have a look at those to see the degree of professional appearance that some of these drugs have.

10 And then here is another Winstrol-V package with a bottle of milky white stuff in it. And I take it that's counterfeit?

A. Yes, that would be an example of a counterfeit.

15 THE COMMISSIONER: Thank you.

MR. ARMSTRONG:

Q. Then, here is some Dianabol injectable.

20 THE COMMISSIONER: I notice, by the way, the pamphlet goes with it in the counterfeit bottle as well?

THE WITNESS: Yes. They try to make it as near perfect as they can. And they will do what we call the inserts, everything the same.

25 THE COMMISSIONER: The inserts.

MR. ARMSTRONG:

Q. What about this injectable Dianabol; is that counterfeit?

5 A. Yes, I would believe any Dianabol you would see on the market today, in fact anywhere in the world, would be counterfeit because of the fact the company discontinued making that a number of years ago and that was their trade name. So, generally any Dianabol you would find out there would be fake.

10 Q. Are there any of these that are counterfeit Canadian drugs?

A. Yes, this one here would be Equipoise from Squibb Canada.

15 MR. ARMSTRONG: That's the Squibb Canada Equipoise injectable that Mr. Degan identified as being Canadian counterfeit.

MR. ARMSTRONG:

20 Q. Sorry, Equipoise, is it an anabolic steroid?

A. Yes.

THE COMMISSIONER: Go ahead. Thank you.

MR. ARMSTRONG:

25 Q. Then what might be helpful now, Mr.

Degan, if you come down and we will put the lights down and you can take us through your slide presentation which I have seen a preview of and is most interesting, and I think the Commissioner will find quite helpful.

5 THE COMMISSIONER: Thank you.

THE WITNESS: These are a series of slides that I put together for a couple of presentations that I have had to make in particular to groups who may not know much about it, a couple of these slides I am going to
10 gloss over because I know that you have spent more time than many folks in taking a look at this whole series, but basically what I am going to try to do for you is to give you an overview of what we have discovered in our five years of investigation, the type of things that we see
15 going on, sources of these drugs, and a little bit about what the Federal Government is doing to try to address the issue.

THE COMMISSIONER: Thank you.

THE WITNESS: As you see here, the Rambo
20 drug. Principally I use this slide to suggest that most of the people that have looked at these over the years have always seemed to equate these as just being a problem limited to particularly body builders and the weightlifter type. But after five years we know that that is not the
25 case. And so the question generally is who are the

steroid users.

We have kind of just separated out a number of groups: The body builders, the weightlifters, obviously elite athletes. We have some professional sports athletes. We have men and women in the gyms and fitness centres, just general people for -- to enhance their appearance.

We have high school athletes who are involved in using these drugs. And, of course, another disturbing one would be the high school students non-athletes who are now using these drugs simply for appearance enhancement.

This just appeared in one of our papers, as you see, January of '89, but it kind of symbolizes what the issue is about, muscle by medicine, the lightning bolt and the syringe. Instant gratification, you know, wanting everything without the work that goes along with it.

Our papers, as you will see through a number of these slides, are every day or every week, every month it is becoming a major issue where you are seeing it continually, but it does point out another significant problem that causes a great deal of concern to both the government and regulatory people, parents and others, as the problem of steroids in the high schools and the use of these by young people.

As you see from the headlines, the lift that lets kids down, high school students form growing marketplace, overgrown and overwhelmed.

5 This is another example of one of the fears and concerns about it, not to say that I don't know the facts of the matter, but Sports Illustrated printed an article concerning the death of an athlete in the United States with a suggestion that he was involved in with anabolic steroids, but again that's one of the potential
10 and/or great tragedies is these drugs have now worked their way down into use by young people.

I know you all know what anabolic steroids are, so I won't have to spend time on that.

Again as I was asked generally this is what
15 comprises my office as the co-ordinator, and assistant, secretary, and our data entry people.

To give you an idea of what we do, my office there in the middle, we receive intelligence information from all over the United States as well other places, but,
20 for example, our field offices, headquarter, Federal Bureau of Investigations, postal departments, IRS activities, the drug enforcement administration, the U.S. customs, from the industry itself, principally the pharmaceutical industry, state police, local police, U.S.
25 attorney offices, Royal Canadian Mounted Police, our state

regulatory agencies, complaints from parents, coaches, and/or the public, other foreign government agencies, our office of the Inspector General.

5 All of this information we attempt to bring into our central office. We analyze it and put it through our computer systems. And one of the things that we do with that is to target cases on a national level for investigation.

10 And when we do that, my job is to make a referral through to the Department of Justice, represented by Mr. Thirolf here, and to decide which cases we have the resources to pursue, and get a clearance on those cases, and then we also have a clearance through my office of enforcement in Washington.

15 And then once those targeting processes are completed and we decide to go after a black market dealer, it is just a matter of going to whatever particular federal agency we are going to use to work that case.

20 We have in my office in Detroit we keep the actual files. We have a dedicated computer system to track this information on a national basis which was kind of a new pilot project, at least for us. And it is a way of assimilating a lot of the information that comes in and making it useful to other people in other states that
25 might not know things that exist that can help their case.

As I indicated, we have computer people who work our terminals and attempt to keep this information up to date.

Again, as I was mentioning, some five years ago, typical people didn't know what the steroid problem was about. I have just thrown a couple of slides in there to show how it has crept into the culture.

You see in the cartoons like many other things that come on, basically for those that can't see back there, he says "What, you are disqualifying me from the Pan Am games for using steroids, just wait until my husband hears about this."

There were, in my own view, about three major things that happened in the United States that I think accounted for the relative explosion of steroids out there in the 1980s.

5 One of them was the, the beginnings of publications, in fact, dealing with this very issue, and what happens with that is the more information that came available to young people and to people interested in using these drugs, they could tell what drugs to get and
10 how to use them and some of the dangers were.

 This is just one of the examples, the Underground Steroid Handbook, which has been fairly well circulated, and it would tell the people, for example, Aldactazide, Anadrol, what these drugs were, what you
15 could use them for, how to use them and a variety of other pieces of information. But it was, it was a way of -- in effect, the more education, the more people knew what to take.

 THE COMMISSIONER: Well, was it not
20 promoting the drugs?

 THE WITNESS: Well, it could be considered that, and in fact as a result of that, of course, it led into exactly what I'm going to suggest here, which was another one of the factors.

25 The -- because of probably the fact that

there had been no regulation in the States prior to, say, 1983, I think some of these people really got pretty brazen and they started mail order businesses.

5 This is an example of such a thing and that's one of the things that focused the federal government to do something about it.

THE COMMISSIONER: All right.

10 THE WITNESS: This was a mail order where they would send these out to people who were interested in purchasing these drugs, you would send in money orders and/or cash to the particular dealer and your drugs would come through the mail.

15 As you will note, this particular order here, mail order form was in fact from a firm in Canada who would solicit business in the United States.

The thing that's kind of interesting about it is they are recognizing what they're doing, you would order by number code, using numbers 1, 2, 3, 4, 5, rather than the names of the product.

20 You could see at this time -- this was several years ago, I believe -- the prices on some of these such as Belasterone for \$290 a bottle or Anadrol 50, \$90 a bottle. I think the prices have probably even increased past that.

25 So you had first of all now the educational

thing on the black market with the availability of information such as the Underground Steroid Handbook and then the advent of the mail orders, and then the next big thing I think in the States was the, the Jenkins case that we were talking about, where a group of people got together with some individuals in Tijuana, Mexico -- there was a legitimate firm down there -- and they started making anabolic steroids in mass quantities and bringing them into the United States under counterfeit labels.

This represented a flyer that that particular operation sent out to gyms and fitness centers in the United States, advertising the availability of these drugs, and again for so many people who either may have been curious or wanted to take these drugs or for whatever the problems were on the black market, again provided an immediate outlet of where you could get these drugs and I think contributed to the explosion, if you will, and the availability of the drugs.

One of the things that I liked about their promotional material -- this is another one from that same company -- is the prevailing view that they would espouse and which was acceptable, as you'll notice in the right-hand corner down here, it's Say No To Drugs, Say Yes To Steroids.

And that was the typical type of attitude

with many of these people, that you don't acquaint this
with the problem of drug use, but of course in our
opinion, we don't see that there is much difference, and
it is in fact a problem of drug abuse just as much as
5 other.

Again, just a little bit of humour,
"Don't come back, I've never been so
humiliated, how did I know they were tested
for steroids."

10 Again pointing out the type of things that
you typically see there.

The problem areas we just briefly talked
about, there has basically been a change since 1985 and we
15 think right now it's pretty well levelled out, but these
drugs come from a combination of diversion from legitimate
drug companies and/or sources in the United States, in
equal portion probably being smuggled into the United
States, and another equal portion that would be coming
20 from counterfeit manufacturing laboratories.

As far as how do these drugs make it to the
market, again, obviously legitimate manufacturers make
these drugs, they get out through a variety of methods,
one may be theft -- they are stolen from companies --
25 others come out through the human prescription drug

wholesalers, who may sell either unwittingly or you may wonder, to people on the black market -- we have had people who set themselves up in fact as a drug wholesaler and that's their entire business.

5 You have the same phenomenon going through the veterinary prescription wholesalers in our country. We have diversion from doctors, from pharmacists, from dentists, also from veterinarians.

10 And then in addition, again, the clandestine laboratories who contribute a significant amount to the black market and the smuggled products which come chiefly from Europe, South America and Mexico.

15 A frequently asked question is how big is that market and it's a question we really can't answer with any degree of certainty but we can give you some estimates.

20 You've probably seen on the Penn State study where they have estimated somewhere between 250,000 and 500,000 high school boys at one stage or another using these particular drugs.

 Based on a number of factors, we kind of believe that the figures would represent somewhere between 1 to 2 million potential users in the States.

25 And at an average cost of two or three hundred dollars per year, which probably very, very low,

you're looking at a market somewhere between 200 to 600 million dollars a year.

Back in '85 when we started we thought we dealing around a hundred million but we know or believe
5 it's significantly above that and probably more likely ---

THE COMMISSIONER: I've seen some material that suggests it's a billion dollars black market?

THE WITNESS: It could well be. We're trying to take the conservative approach, but it's
10 anybody's guess, but it's certainly a huge market.

I just wanted to point out the Penn State study in itself points out a couple of interesting facts, but if you look at why do the young people take the steroids, 47 percent being to improve athletic
15 performance, 26 percent to gain the muscular appearance.

The age of the first use is a real disturbing figure, with 38 percent being before the age of 15 and another 33 percent started at the age of 16, so you're looking at almost 70 percent of kids 16 and under
20 getting involved in these drugs.

And finally, of course, the primary source of these steroids, with 60 percent being from the black market and only 20 percent from either physicians, pharmacists or veterinarians.

25 Again the, the newspapers I think are doing

a great job in educating the public through the numerous articles that they publish, and it tells something about the problem by looking at some of the headlines:

5 "Heavy steroid use by male teenagers jolts the researchers."

"Despite danger steroid use is growing."

"Bigorexia, America's obsession with bigness."

10 "The steroids mania, spotting perilous new drug traffic."

"Steroid-using police cause brutality fears."

"The all-American boy who killed."

15 "The youth held in death of Mr. Nice Guy and the dad says steroids was to blame."

Of course a very disturbing phenomenon that we're seeing now.

20 And again the whole issue really is, as this headline here suggested, in the black market steroids that it is "big money for big bodies."

Another development that is currently going on is we're starting to see more of a combination in dealers of both the cocaine as well as the steroids.

25 I think probably typically 5, 6, 7 years ago you were dealing with a completely different type of

people than what you would see in the cocaine trade. These were people involved in the various cliques or sports groups and you didn't have this type of activity, but I think now because of both the demands and the
5 incredible profits to be made, the same people involved in coke are also getting involved in the steroids.

Another issue which I am sure you have all looked at up here is the problem with the psychosis or what they call steroid rage or body-builder psychosis, but
10 it's becoming again a more recognized thing.

Dr. Harrison Polk of course has done a study on it and again is one of the major concerns of the use of these drugs and the continuing spread on the black market and the use in defence theories in criminal cases in the
15 U.S. where people will argue for diminished capacity under the influence of these particular type of drugs.

And probably just at the beginnings, but certainly starting to be recognized, considered and worried about, is again -- because so many of these
20 particular drugs are used as injectibles -- is the concern and the spread of AIDS.

There are several apparent documented cases now where they believe that the AIDS virus itself has been spread through the sharing of needles by the people using
25 these drugs, so it can be another potential source of that

kind of a major problem that could occur.

I wanted to quickly show you what I was talking about in terms of the counterfeit laboratories and typically what you see are where they will rent either storage facilities and/or use apartments.

This particular one was in fact a storage facility that we raided down in south Florida about a year ago. It was doing a heavy volume in anabolic steroids.

The typical things you see is kind of like in a drug company where you'll see the drums, the raw materials, the equipment they need, the packaging materials and you think you're in a legitimate firm.

Their controls aren't quite the same and they are not quite as neat as others, but you'll see these are the oils, for example, that they would use to make their injectible products, taking them -- which I'll show you in a second here -- from these containers and simply dispensing them right into the vials.

Their label controls, as I was mentioning, aren't the best and that's why you're never going to know what you're going to get. It may say testosterone but you may get something else because the labels do get mixed up.

They again don't have controls like legitimate regulated firms would.

Raw materials -- these are actual drums --

this particular operation for a period of time was actually putting steroid raw materials in that product, so you would have an active ingredient, whereas others simply don't bother because they're going to make a lot more money.

The vials, the caps, the stoppers, it's a fairly easy operation and ---

THE COMMISSIONER: Where do they get the natural ingredients from, where do they get the powder and and all the stuff that goes into it?

THE WITNESS: There are several sources. One, they may go to a legitimate bulk distributor in the United States through some subterfuge or other with a creative name.

We also have documented the illegal importation and/or smuggling of these raw material ingredients into the United States.

This was another operation down in south Florida just to illustrate -- also in their apartments, and they produce these drugs in their kitchens along with their ordinary needs of where they live.

And it's again a simple operation of taking a pipette or filler, and in this case just simply taking the sesame oil, filling it into the vial and then putting

your stopper, and crimping it and putting a label on it, and it's an easy way to make \$50 on a Saturday night, you know, watching television,

For each of the vials you fill and get out
5 into the black market you're going to make substantial profit because you haven't really spent much.

And another thing, of course, which we typically see are the profits from these operations, and various significant amounts of money, gold coins,
10 whatever, a Porsche, is the typical type of thing that you saw and/or and continue to see in the cocaine trade.

These are to point out there are groups in the United States besides the federal government
15 attempting to do something on the educational level and have produced a series of charts, brochures and pamphlets, to try to educate the people.

I'm not sure, I believe this particular group came from one of the universities -- it may have
20 been Wisconsin or Minnesota that put out these series -- but it also illustrates some of the problems with these drugs.

"What do you have to lose by taking steroids?" It's fairly obvious.

25 Again, self-explanatory.

Also self-explanatory, is one of the problems with the males using this.

And, of course, as we mentioned, there is a segment of the drug users out there who of course are females.

Although I have some of these on the desk I wanted to show you just quickly again what some of these drugs looked like.

This Dianabol, for example, being a counterfeit from a clandestine lab, in fact contains nothing but, as we have mentioned, most of the Dianabol you would see today would be counterfeit.

That happens to be probably the most sought-after drug on the American market. This is another form of it, methandrostenolone is its actual chemical name.

It's a substance that's banned in the United States since 1986. It can't be manufactured there legally but again it's the, probably the biggest drug on the market.

These are just other examples. You will see some degree of counterfeit tablets on the market but nowheres near to the degree as the injectibles.

Of course this is your own Squibb Canada, which has been a major counterfeit on the U.S. market and

it also points out another interesting thing, that these people using these drugs don't stick just with the human prescription drugs, but they use a variety of veterinary drugs as well and/or what we call designer steroids.

5 These are drugs which are not even approved for use in our country and/or may have been just some fanciful concoction by some bright chemist somewhere and haven't been tested on humans.

10 As you see on the Equipoise, it was a drug intended for use on horses only and yet is very prevalent on the market.

15 Of course Winstrol-V, stanozolol, which you're all familiar with, again intended for use in dogs, cats and horses but that doesn't stop these people who are interested in using it.

20 The testosteronees, of course, again are very highly sought after. These again are examples of counterfeits and you'll see the quality of these counterfeits are very excellent, they reproduce virtually everything in as best detail they can.

 Anavar is another one.

25 Pregnyl is another good example of what can happen. This particular drug came from a counterfeit laboratory in northern California which has just been indicted recently, but this drug here, when we tested it

we found that in that water portion in the bottle there,
that the pyrogen levels were so high that the government
believed it was urgent enough to issue a national health
warning to the people, trying to tell them, this is what's
5 in these things and don't use them.

A lot of these people don't want to believe
you. We've always tried to be, you know, accurate in
giving the best information we can to them.

10 This is just an example -- one of your
questions before on the foreign drugs -- these Primobolans
would be a good example of drugs from ---

THE COMMISSIONER: Europe.

15 THE WITNESS: --- Europe, that would be
very highly sought after and very expensive in the States.

Unfortunately, as again the Parabolan, but
these are just outright fakes and have nothing in them.
So the people are spending good money but not really
getting anything for it.

20 Fineject (phonetic), another example from
outside.

This is again another stanozolol and this
one just came from a counterfeit manufacturing operation I
believe down in Georgia. And again it's just a creative
25 label. It's not a counterfeit, but we just call it a

bogus product.

And finally the last one, human growth hormone which we touched on, is a problem on the black market, very highly sought after, one of the most expensive one, and the fears and concerns about this particular drug being the potential for the elongated bone growth and/or problems, potential problems with the liver and/or the lungs.

And again this is how it particularly comes. This is only one manufacturer. We have only two legitimate sources of human growth hormone in the U.S.

It's a drug intended only for use in children, it's not intended for adults, but again it's very highly sought after by those people.

This is an example of the other one without labels, but it's produced by Eli Lilly in Indianapolis, it's a product, again, a human growth hormone from our second manufacturer.

Also I kind of -- this one here, the Grocormon, was being produced by that counterfeit manufacturing operation in Tijuana, Mexico. We've analyzed that and found it to contain nothing. That typically would be sold at the first level from Mexico into the U.S. at about \$230 for a box and then boosts its way on up past that.

BY MR. ARMSTRONG:

Q. Is that counterfeit growth hormone, that last drug, I'm sorry?

5 A. Yes, actually --- I'm not quite sure whether the company exists. It's reported to be from a company in Europe, but it was in fact manufactured in Mexico. I'm not quite sure whether the company exists or not but the bottom line is, it's fake.

10 Q. Mm-hm. And that would be quite a serious thing if a drug like that got into the legitimate market and somebody thought they were giving it to a child, a legitimate growth hormone, turned out to be ---

15 A. I think that's true and I think that's fair to say, although that's a very sensitive issue for any of the drugs, were they to get onto the legitimate market, would represent a potential serious problem.

20 As you can see, whether it would be because of no active ingredient and/or no and/or other unexpected things, whether they bacteria molds, fungus or pyrogens or whatever.

And this just represents something fairly new that that we're starting seeing in the States, is drugs coming in, steroids from Australia.

25 THE COMMISSIONER: Australia?

THE WITNESS: Mm-hm.

THE COMMISSIONER: What kind of drug is that, do you know?

THE WITNESS: This is a combination of a number of... methedrol dipropionate, nandrolone, testosterone -- I don't believe there would probably be a legal equivalent in the U.S.

As far as how the investigations are being done and/or who are they, I think the most I can say is they are being done by a variety of people.

I think it needs to be understood that it's not an easy task, as we've talked before, in terms of trying to get resources to do these when there are so many other pressing issues out there.

It takes a great deal of cooperation between all these other federal agencies to give up their resources and to join in common investigations, but we've been fairly successful in doing ... many of our cases particularly with these groups, be it the FBI, our U.S. customs service, U.S. postal service, DEA and other agencies, whether it be the Air Force or Army CID's, and those particular groups, in fact some very good cooperation in different parts of your country with the RCMP

To give you a sense of the type of counterfeit operations, this is just a way of showing you -- it's kind of national around the country -- we've shut down operations in California, in Mexico, another one in California, Ohio, Colorado, Missouri, several in Florida and one in South Carolina -- actually, South Carolina and/or Georgia.

This slide might give you an idea again -- it characterizes the type of market by what we found.

In the first category, in our seizures, we think in 1985 we probably seized about \$600,000 worth of steroids from the black market in our investigations. By '86 we were up at about 2.2 million. In '87, another five and a half million. And in '88, another six and a half million.

So roughly 15 million dollars, and of course the figure is now higher -- I don't have a figure for where we're at in 1989, but again it's suggestive of the size of the market based on what we're starting to see as we're able to put more resources into it.

Another kind of an indicator is the typical steroid sales between dealers.

Normal transaction averages may be around 3 to \$10,000, that's not unusual at all, between one dealer or another, and many of them are much bigger.

For example, we had -- we can do some transactions involving \$200,000.

The one up there is a \$200,000 cash seizure that we did in which an individual came down to buy his
5 steroids and brought a gym bag full of \$200,000 in cash for it.

The second one would be another operation that was set up in which it was a deal for half a million dollars' worth of steroids.

10 And another one out in the desert in southern California for 400,000.

Examples of typical --- well, I shouldn't say typical --- let me rephrase it --- the large -- and of the seizures that we've done, I mean, you may get in and
15 do a seizure that's 10 or \$20,000 worth of steroids but on the other end of the scale we've gone into operations such as in Baltimore where we seized 2 million dollars' worth of drugs in that individual's storage facilities in his operation.

20 And another one in Los Angeles, a million dollars' worth,

San Francisco, several million.

Phoenix, for example, half a million dollars.

25 Miami, half a million.

So again it's just illustrative of the size of some of these types of operations, that they are not small time businesses.

Anabolic steroid effects we don't really need to go into, I'm sure you've looked at all of that --

THE COMMISSIONER: Just go back on that. Is that your own analysis? Which one are you using?

THE WITNESS: I believe this was taken off one of the educational pamphlets that has been put out as the type of things that might be expected as a result of using these drugs.

THE COMMISSIONER: Yes. There's been several articles, I just wondered whether...

THE WITNESS: Of course, I mean, I -- as you listen to some of these people talk there is a great argument about whether they are or whether they aren't and how dangerous they are and how they aren't, but it's clear when you take a look and you consider the fact, I think, that the drugs that you do see here, if they were legitimate, were tested at, you know, specific levels to produce a specific effect.

And many things are actually unknown, as when you're increasing them in the dosages that these people typically do and then stacking them in the combinations they do, and using veterinary steroids and

adding to that designer steroids, and adding to that the variety of prescription drugs you need to counteract all of these, that you're subjecting yourself to all sorts of problems.

5 THE COMMISSIONER: All right. Thank you.

THE WITNESS: Just another quick example.

This is an operation down in Georgia that was in fact producing counterfeit drugs and was a legitimate firm that was producing products and got involved in this market, and just to give you an example from the other extreme, from the apartments to the storage facilities, that you can find some unscrupulous people involved on the legitimate side of your industry as well.

15 They were making this particular group of groups, Dimethyltrilone, Dihydromesterone, and the others, and the interesting thing about the first two that you see there, they kind of made up these names and they became a mystique of their own on the market, as some people wanted them, others didn't.

20 But then when the Mexican operation began, they began counterfeiting these drugs so actually what they were doing was counterfeiting bogus drugs that really weren't produced by any legitimate company at all.

25 And again it causes fairly mass confusion any more, trying to figure out what is coming from who.

Another particular group, the Belasterones and the Dihydrolones were coming from an operation in southern or middle California, I guess.

These were also very highly sought after.

5 It was very successful back in 1985. You'll still see them on the market, but the thing that was interesting about them is that it was a fairly sophisticated operation and these particular drugs would go from anywhere from 250 to \$350 a bottle on the market, they were in such demand.

10 I just wanted to point out some of the other things that we think are important.

This is a couple of series of slides from a press conference that was done down in Miami wherein some of the -- our government officials have tried to, you
15 know, emphasize the importance of steroids nationally and again hopefully as a deterrent, and to educate people who may be involved, but it also illustrates some of the typical type of things that you see in these operations.

But in this particular case, for example,
20 when we do a big case -- the men in white there you may have met when you were in Washington, our Commissioner of FDA, the U.S. attorney and officials of the FBI and the postal service from joint operations again trying to get the message out of the significance of these kinds of
25 drugs.

This happens to be a counterfeit manufacturing operation that was being announced on that particular day.

5 And again the typical type of things that you see, again demonstrating the size of the operations, that it's not just a little business but in fact is big business.

These were just a series of shots that I wanted to show, I've left them up there on the desk.

10 This was of the operation down in Tijuana, Mexico as I was going through the operation when the Mexican government seized it, but they have their own --- these are their printing facilities, their printing presses, they have complete photography equipment.

15 They can produce boxes, cartons, any label that they want.

As you'll see here, these are set up to do counterfeit ---

THE COMMISSIONER: Yes.

20 THE WITNESS: --- steroid labels.

THE COMMISSIONER: Yes.

THE WITNESS: And their charts.

But again I think it represents a potentially serious threat when you're looking at
25 businesses such as this that decide to get into this area

because of the staggering amounts of profits to be made.

And they have, of course, had the ability to do -- these are tabulating machines where you can put coatings on them and your blenders and mixers, and do all these sorts of things that a legitimate company might want to do.

And again the typical thing you see when we went into their storage facilities down there, you know, just boxes and boxes and rooms filled with steroids such as this on this cart here, waiting to be sold and ---

THE COMMISSIONER: Are you aware of any counterfeit drugs being manufactured in Canada?

THE WITNESS: I don't know of any counterfeit manufacturing operations in Canada.

Which brings brings us to, um ...

THE COMMISSIONER: The law.

THE WITNESS: The law, and where we are now, and of course there's been a dramatic change in the law in the States effective November of last year ---

THE COMMISSIONER: November '88, I think was the first -- this is the Omnibus Bill.

THE WITNESS: That's correct, sir.

November of '88, when the president signed the new bill and basically what this bill does is three important things.

One, it indicates that the illegal sale and/or possession of anabolic steroids with the intent to distribute could -- illegally and/or in the absence of a prescription -- can be punishable by three years in prison.

THE COMMISSIONER: And if you distribute to younger people, up to six, isn't that right?

THE WITNESS: That's absolutely correct, and again I think demonstrating the concern for young people. If you sell it to someone under the age of eighteen you're subjecting yourself to six years in prison.

But the other thing that ---

THE COMMISSIONER: Or, or have possession for the purpose of distribution?

THE WITNESS: Right.

THE COMMISSIONER: That was the change I think, wasn't it?

THE WITNESS: Yes, if you possess them with the intent to distribute.

THE COMMISSIONER: For the purpose of, yes.

THE WITNESS: The other thing that it did for the first time is it has put these drugs in a similar class as controlled substances as far as forfeiture of the profiteer's assets.

In other words, if he is convicted under this section and he has taken his steroid money and put it into Porsches or homes or bank accounts, the government can move to seize all that money and/or all his assets.

5 THE COMMISSIONER: That's a change too, isn't it?

THE WITNESS: Yes. There is another bill currently in the House of Representatives -- I don't know what the stage of it is right now -- but it's an amendment to amend our postal regulations to again do essentially the same thing.

10

If you ship your money and/or your orders and/or your drugs through the mail, you're subject to penalties and forfeiture of your property.

15 THE COMMISSIONER: And most of the states in the United States amended their laws, too? I think about 40 of them?

THE WITNESS: Right. I think there are currently -- the last I heard there were about 51 bills under consideration in about 26 states.

20

There are 13 states that have specific legislation, and of those 13, four of those states have placed steroids on their controlled substances list.

THE COMMISSIONER: Making mere possession an offence?

25

THE WITNESS: Well, maybe a combination of possession and/or sale. I'm not familiar with all of them but I'd say one or the other.

5 And again these are the last of the educational materials being put out.

 Which brings us to also, the government is trying to do something with respect to education, and have created a number of brochures.

10 This one here, for example, with Jessie Ventura, the "Don't Pump Trouble", as well as "Steroids Mean Trouble", and on the back an explanation of our view and hopefully the people who should know what their view is, trying to give our young people the other side of the
15 story because all they were getting for years was the pushers' and/or the dealers' side.

 These have been sent to all -- every high school in the United States and the coach is asking them to put these up and talk to the kids about steroids and
20 trying to discourage them.

 And in addition, a pamphlet which again gives another part of the story and explains all of the adverse reactions.

 That in general is the overview of what
25 we've been doing ---

THE COMMISSIONER: Thank you very much.

Thank you.

5

10

15

20

25

MR. ARMSTRONG:

Q. Thank you very much. We still have a few handfull more questions. If we can put you back behind the counter.

5 A. Okay.

Q. Just one or two comments about the material. One of your slides showed the Underground Steroid Handbook and, indeed, the author of that was one of the co-conspirators with David Jenkins, Dan Duchesne in California. And he along with Jenkins, I take it, was convicted and ultimately sentenced in the conspiracy in Southern California?

10

A. Yes, that's correct.

Q. Now, you mentioned the market as involving the smuggling of steroids, and again I don't want to get into any sensitive areas of law enforcement or investigation, but is smuggling going on at the Canadian border, the Mexican border, and are steroids going back and forth each way, or can you say that?

15

A. Well, I think we can say obviously because it has been documented on the Canadian border or, excuse me, on the Mexican border that it has been a major problem. I couldn't say that the same would be true from Canada. I could tell you that I was going to suspect the same kind of traffic between the U.S. and Canada.

20

25

THE COMMISSIONER: Isn't there a current case now in Canada? I think there is a current case, I think, where the goods are said to be coming from Canada into the United States and seized in the United States?

5 THE WITNESS: That's correct, a recent one just within the last couple of weeks.

THE COMMISSIONER: It is just before the courts now.

10 MR. ARMSTRONG:

Q. Yes.

A. So, you are going to have some smuggling between our countries.

15 Q. Yes. Now, obviously based on the presentation that you have made, some of the comments you have made based on the Jenkins case, one of the illegitimate sources of these drugs is Mexico, but you also mentioned Europe.

20 Is there a particular sort of geographical location on the globe from which steroids emanate or is it turning out to be a fairly worldwide problem so far as the black market is concerned?

25 A. I don't think that it is, at least we have not been able to see it as a worldwide problem, but we have certainly seen the majority of the drugs that we

have seen coming into the country appear to be coming basically from the European countries and/or South America and/or Mexico. And as I showed on the one, we have now seen some new ones coming in from Australia as well.

5 Q. Okay. Then the sorts of individuals or people that have been involved in this business, one usually associates the drug business or perhaps not usually but often associates the drug business, the hard drugs, the recreational drugs, with organized crime.

10 Now, the Jenkins case, I take it David Jenkins and the people that were associated with him originally at least were not your typical sort of organized crime type of figures, am I right?

15 A. I think that's probably a fair characterization, yes.

20 Q. But are you finding, and again Mr. Thirolf will kick me under the table here, are you finding that organized crime is or those people -- let's put it this way: Those people that traditionally find themselves involved in hard drugs or hard recreational drugs are finding their way into the steroid business?

25 A. I would say the best way to answer that is that there has been a detection of a change in some of the dealers in that you are quite right the typical type of people we had seen over the years might be college

graduates, these are people some of them who were very bright people, and they got involved either through weightlifting or body building or whatever, and the cliques and groups they were in, had the contacts in, weren't the typical type of criminals that you would see with the hard drugs, but I think that there has been a change. And you are going to see more of the other type of people getting involved because of the monies being made. And as was suggested on the one slides, the type of people who would ordinarily get involved in cocaine and those drugs which are not the same type or group of people who were in fact in steroids distribution systems.

MR. ARMSTRONG: Then, Mr. Commissioner, we have had made up from two of the slides a copy of the information that was on two of the slides.

First of all, the information outlining the size of the anabolic steroid market in the United States showing 200 to 600 million dollars per year. And I have proposed to mark that as the next exhibit.

THE COMMISSIONER: Thank you.

THE REGISTRAR: 278, Commissioner.

--- EXHIBIT NO. 278: Document outlining the size of anabolic steroid market in the United States

MR. ARMSTRONG: Secondly, there was a slide entitled Seizure --

THE COMMISSIONER: May I interrupt for the one moment. The Penn State study was what year, do you recall Mr. Degan?

THE WITNESS: '87 or '88. '88.

THE COMMISSIONER: '88, thank you.

THE WITNESS: Yes.

THE COMMISSIONER: Yes.

MR. ARMSTRONG:

Q. Was that the same study that showed something in the area of six percent of high school seniors --

A. That --

Q. -- in a particular area in the United States were involved in taking anabolic steroids?

A. I think the figure was seven.

Q. Yes.

A. Seven percent.

Q. All right. And then from the second slide that showed the rather alarming increase in the seizure activity in the United States showing that the numbers going up from 1985 from just when Mr. Degan's office got going of \$600,000.00, of 1988 of \$6,500,000.00,

then these typical seizures in Baltimore \$2 million, Los Angeles \$1 million --

THE COMMISSIONER: That is the one that has already been shown. Yes.

5 MR. ARMSTRONG: If we could mark --

THE COMMISSIONER: 279.

MR. ARMSTRONG: -- that as Exhibit 279.

10 --- EXHIBIT NO. 279: Document showing the seizures of anabolic steroids in the United States.

MR. ARMSTRONG:

15 Q. Obviously, Mr. Degan, by virtue of the increase in activity in your office and by some of the things you said earlier about how you are in a co-ordinating role able to sort of see the big picture, you must be finding, and the Food and Drug Administration must be finding that there is clearly a place for an
20 office such as yours dedicating itself to this one particular area of activity?

25 A. Well, of course I guess I would have to say based on my own experience that if you want to look at a problem such as this that that's what I would think the best way to approach it.

Q. Nobody obviously is yet suggesting you close down for business; it looks like you are in it for a while?

A. I would think so or somebody will be.

MR. ARMSTRONG: All right. Mr.

Commissioner, those are all the questions I have. Thank you. There maybe some other questions.

THE COMMISSIONER: Any questions of Mr.

Degan?

Well, thank you very much, Mr. Degan. It has been very helpful and informative. And I share in Mr. Armstrong's thanks to the FDA and the Department of Justice in the States who got in touch with us on many occasions. We appreciate your assistance.

THE WITNESS: Thank you.

THE COMMISSIONER: Thanks for coming up. It has been very helpful.

MR. ARMSTRONG: Thank you.

THE COMMISSIONER: Are these samples or are you taking them back?

THE WITNESS: No, I am going to have to take those back.

THE COMMISSIONER: All right. Thank you.

Ten o'clock tomorrow morning.

--- Whereupon the proceedings adjourned until Friday,
September 8, 1989 at 10:00 a.m.

5

10

15

20

25

